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Provincial Papers.

DOCUMENTS AND RECORDS

RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1749 TO 1763:

Containing very valuable and interesting Records and Papers relating to the Crown Point Expedition, and the "Seven Years French and Indian Wars," 1755-1762.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW HAMPSHIRE.

VOLUME VI.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New Hampshire-Historical Society.

MANCHESTER:

JAMES M. CAMPBELL, STATE PRINTER.

1872.

NOTICE.

Joint Resolution, passed by the Legislature of New-Hampshire.

Resolved by the Senate and House of Representatives, in General Court convened, That his Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows, namely: one copy to each City and Town in the State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

EDITOR'S PREFACE.

1136865

Most of the contents of this volume will be found of great historic interest and value. The controversy between the House of Representatives and his Excellency Benning Wentworth, on his right to negative their choice of a Speaker and to determine what towns were entitled to Representation; the conspiracy for his removal from office; the official proceedings of the Government and the part the Inhabitants of the Province took in the expedition against Crown Point, and in the long, expensive and bloody French and Indian wars; the extension and growth of settlements in the northern and western sections of the Province; the action of the government in favor of Rev. Eleazer Wheelock's plan for instructing the Indian tribes; and the very important and copious public documents interspersed through the volume—all these give it a special value, and entitle it to a careful perusal and to frequent reference, by all who wish to become well versed in our Provincial history.

Readers of this will please turn to page 320 and read the "Note by the Editor," explanatory of a change or modification of the plan heretofore pursued. But, all may be assured, that the portions of the *Journal of the House* which appear, were copied entire and exact. The "Records of the Council" are also complete; and the numerous letters, documents, &c., which are interspersed are meant to be a literal transcript of the original.

The VIIth and last volume of Provincial Papers will be one of more than ordinary interest and value, as it will embrace all records, papers and documents, to be found, relating to the ante-revolutionary period, with the administration of the last of the Royal Governors of the Province—His Excellency JOHN WENTWORTH, Esq.

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Names of members of his Majesty's Council in the Province of New Hampshire, under the Administration of Governor Benning Wentworth, 1749 *to* 1763.

Appointed in 1728. HENRY SHERBURNE. Died Dec. 29, 1757.
1733. ELLIS HUSKE. Died 1755.
1734. THEODORE ATKINSON.
1739. RICHARD WIBIRD.
1740. SAMUEL SMITH. Died May 2, 1760.
1740. JOHN DOWNING.
1743. SAMUEL SOLLEY. Died in England, 1758.
1745. SAMPSON SHEAFFE.
1753. DANIEL WARNER.
1754. JOSEPH NEWMARCH.
1759. MARK HUNKING WENTWORTH.
1759. JAMES NEVIN.
1761. WILLIAM TEMPLE.
1761. JOHN NELLSON.(1)
1763. THEODORE ATKINSON, JUN.
1763. NATHANIEL BARRELL.

(1) Never took the oaths of office, and never sat in the Council.—ED.

NEW-HAMPSHIRE

PROVINCIAL PAPERS.

VOLUME VI.

RECORDS OF THE COUNCIL.

[The Records of his Majesty's Council which follow, continued from page 133, of volume v, "Provincial Papers," are copied from a MS. volume in the office of Secretary of State, labeled, "COUNCIL RECORDS, 1742 to 1767." Pages in the margin correspond with the Record from which the copy is made.—ED.]

[P. 53.] At a Council holden at Portsm^{o}, according to his Excellencys Sumons, Jany 3^{d} 1749, [50.]

Present

His Excelency, Benning Wentworth, Esq. Govr.

Henry Sherburne
Theodore Atkinson
Richd Wibird
Saml Smith
} Esqs.

John Downing
Saml Solley
Sampson Sheaffe
} Esqs.

His Excelency laid before the Board Sund^{ry} Petitions from the Inhabitants of Haverhill District so called desiring that they may be incorporated into Towns or Parishes as his Excelency with the advice of the Council should think proper so that they may be enabled to transact Town or Parish affairs which in their present scituation they were not impowered to do—To which the Council gave the following advice—That his Excelency be desired to incorporate the people into Townships agreeable to or near as may be to the report [of] a Comittee heretofore appointed by his Excelency with the advice of ye Council to survey & report thereon & the Plan exhibited by the Petitioners.

[P. 54.] His Excelency acquainted the Council that he had received many Petitions from the Inhabitants of this Province for

granting Lands within the same and proposed to them the granting to such of the inhabitants of each town within this government that sent a member to the Assembly as should be tho't most likely to settle & improve the same, a Township of six miles square under the restrictions & Quitrents directed to in his Majesties Instructions to which his Majesties Council did advise & consent.

His Excelency laid before the Board a Petition of Coll. William Williams & others praying a Grant of a township at a place called *Melloomscott* (1) on the western part of this government agreeable to a plan by s^d^ Williams exhibited which was alsoe laid before the Board.

And then asked his Maj^tys^ Council weither they would advise to the making a grant of the s^d^ township agreeable to his Majestys Instructions.

To which the Council did advise and consent. (2)

At a Council holden at Portsmouth according to his Excelencys Summons on Wednesday Feby 14th 1749—

Present—His Excelency Benning Wentworth, Esq. Governour.

Ellis Huske	Esqs.	Saml Smith	Esqs.
Theod. Atkinson		John Downing	
Richd Wibird		Sampson Sheaffe	

[p. 55.] The memorial of Benjamin Rolfe Esq. in the name and behalf of the Inhabitants of Rumford so called within this Province praying that they may be incorporated into a Township &c. read and ordered that the Petitioners serve the selectmen of the Town of Bow with a copy of the said Petition & notify them that they appear before the Govern^r^ & Council on the 8th day of May next then & there to shew cause why the passage of the Petition should not be granted. (3)

His Excelency laid before the Board Mr. Agent Thomlinsons letter of the 3^d^ of December 1749 & sundry papers referred to in the said letter relating to a report from the Lord Comissioners for trade and Plantations to the Lords of the Comittee of Council

(1) This should be *Walloomsack*, which is now the name of a river in Vermont, formed by the union of several streams in Bennington, and, flowing W. unites with Hoosic river in Hoosic township, N. Y. Bennington was the first township granted by Gov. Benning Wentworth, west of the Connecticut river, and was so named in honor of the Governor. The charter was granted January 3, 1749-50. William Williams is first named as one of the grantees. [See MS. Charter Records in Sec'y's office, Vol. 1, p. 47.]—Ed.

(2) It should be noted that this grant was at the extreme western terminus of the territory claimed by New Hampshire—touching the boundaries both of Massachusetts and New York. It gave rise to the great controversy subsequently, about the N. H. Grants.—Ed.

(3) See Bouton's Hist. of Concord, p. 208. The abovesaid Petition of Col. Benj. Rolfe is on file in bundle of papers now in N. H. Hist. Soc. Lib. indorsed, "Doc. No. 2. A." Also a counter petition of Selectmen of Bow, indorsed, "Doc. No. 2, B."

relating to Fort Dummer with an acct annexed of the charges of supporting Fort Dummer from November 1744 to October 1748 by the Province of the Massachusetts Bay &c. & the agent desireing that his Excelency & the Council would imediately procure such proofe as directed to in s^d letter and forward them properly authenticated to be made use of before the Lords of the Comittee aforesaid, which letter & papers having been read his Excelency proposed that a Comittee of this Board be immediately directed to procure all such evidences as may be tho't necessary for answering the ends aforesaid to which the Council did advise & consent & accordingly Ellis Huske, Richard Wibird, Samuel Smith, John Downing & Sampson Sheaffe Esqrs. are appointed for the ends aforesaid, & 'tis further advised by his Majesties Council that his Excelency would direct that the Kings attorney & the Secretary give their advice & assistance to the said Comittee in every thing necessary to that end and that his Excelency give his Warr^t upon [p. 56.] the Treasury for such sum to be paid to the said Comittee as will answer the necessary expense of the said affair thus comitted to them.

At a Council holden at Portsmouth according to his Excellencys Sumons on Fryday the 16th of Feby 1749—

Present—His Excellency Benning Wentworth Esq. Governour

Theodore Atkinson Saml Smith	Esqs	John Downing Sampson Sheaffe	Esqs

His Excellency laid before the Board the several letters & papers from the agent as mentioned the 14th inst. and acquainted the Board he intended to prorogue the General Assembly for about three weeks there not being at present above four or five members of the House attending & that he proposed that the Secretary should write Circular letters to the respective members to give their attendance at the day to which the General Assembly should be prorogued in order that they may be informed what dangers the interests of the Province is in unless some due measures are pursued to which the Council did advise.

At a Council holden at Portsmouth according to his Excellencys Sumons on Wednesday March 22^d, 1749—

Present

Ellis Huske Theodore Atkinson Richd Wibird	Esqs.	Saml Smith Jno Downing Sampson Sheaffe	Esqs

Upon the request of the selectmen of Newtown setting forth that

the town of South Hampton had voted off thirty Inhabitants of [p. 57.] s^d town to be annexed to Newtown and praying the authority of this Board to invest the s^d thirty men with power to transact with the town of Newtown in all town affairs excepting the repairing the highway &c. which request was alsoe made by the s^d persons so polled off. The matter being debated at the Board, Resolved that an order be drawn up to answer the end proposed, which being accordingly done and read at the Board ordered that the same be engrossed & laid before his Excellency the Governour for his assent & that he be advised to affix the seal of the Province to the same which was accordingly don and entered in the book of Charters—Pages 58 & 59. (1)

(In the margin)—"Copy'd & deliver'd the gov'r to send to England."

At a Council holden at Portsm° according to his Excelencys Sumons on Thursday the May 3^d 1750.

Present—his Excelency Benning Wentworth, Esq. Governour.

Theodore Atkinson, Richd Wibird, Saml Smith } Esqs.

John Downing, Sampson Sheaffe } Esqs.

The petition of Joseph Peasley and about 27 others inhabitants of the district of Methuen praying that they together with some adition out of the westerly end of Haverhill District may be incorporated into a Township by such metes and bounds as described in a plan exhibited by the petitioners, upon reading which 'tis ordred that the parish of Windham & those people on the west part of Haverhill afore^sd be notified to appear at this Board the 9th inst. to shew cause if any they have why the prayer of the petition should not be granted.

[p. 58.] At a Council holden at Portsm° according to his Excelencys Orders on Thursday May the 9th 1750.

Present—His Excellency Benning Wentworth, Esq. Governour.

Theodore Atkinson, Richd Wibird } Esqs.

Saml Solley, Sampson Sheaffe } Esqs.

The Council took under consideration the Petition of Peasly & others as entered the 3^d inst. & having received from the Inhabitants of Windham by the hand of one of the selectmen of s^d Windham a memorial signifying their consent that the Petitioners might be set off intirely and not polled off only—and the other persons at the west end of Haverhill being notified also & not appearing to

(1) The abovesaid is found in "Charter Records" in Sec'y's office, Vol. I, pp. 58, 59.—Ed.

shew any reasons why the prayer of the s^d^ Petition should not be granted—Resolved that his Excelency be desired to grant a charter of Incorporation agreeable to the s^d^ Plan & Petition with a clause to be inserted therein reserving to the Governour & Council a power of makeing such alteration hereafter as may be for the advantage of the said Inhabitants.

The Petition of Oliver Partridge Esq. of North Hampton in the Massachusetts Bay in behalf of himself & others praying for a grant of a tract of his Maj^tys^ Lands at or near a place called Coldrain to contain six miles square agreeable to a Plan exhibited—the said petition being read and debated his Excelency ordred [p. 59.] the question to be put to the Council weither they would advise him to make such a grant as above mentioned agreeable to his Majesties Instructions—to which the Council did unanimously consent.

At a Council holden at Portsmouth according to his Excelencys Sumons on Fryday May the 18th 1750.

Present

Ellis Huske Theod. Atkinson Richd Wibird Saml Smith	Esqs.	John Downing Saml Solley Sampson Sheaffe	Esqs.

A Petition signed Samuel Miller Wm. Moore & others preferred by John Goffe, Esq. & Mr. Samuel Patten praying for a charter of Incorporation of the inhabitants of a place called Sowhegan East (1) in this Province being read & Joseph Blanchard, Esq. in behalf of the town of Merrimack also at the same time appearing & the parties being heard on the said Petition & agreeing where the line should run in case his Excelency with the advise of the Council should think proper to grant the Petitioners a Charter of Incorporation—Mr. Goffe & Patten upon being asked declared that the sole end proposed by the petitioners was to be incorporated with privileges as other towns by law have within this Province.

Upon which the Council did unanimously advise that his Excelency grant a charter of Incorporation as usual in such cases.

(1) Now called Bedford.—Ed.

At a Council holden at Portsmouth according to his Excelencys Sumons on Thursday June 21st 1750.

[p. 60.] Present—His Excelency B. Wentworth, Esq, Governor.

Ellis Huske, Theod. Atkinson, Saml Smith } Esqs.

Saml Solley, Sampson Sheaffe } Esqs.

His Excelency laid before the Board a letter he lately received from Govr Cornwallis dated Halifax the 8th day of May last, acquainting his Excelency that he had sent a detatchment to *Chenuto* who found the French from Canada &c. too numerous & that his sd detachment tho't it their prudence to re-imbark the same day they landed & also referr'd him to a letter he had wrote to Lieut. Govr Phipps of the third of May last a copy of which letter his Excelency also laid before the Board.

And then asked his Majtys Council what answer they would advise him to make to the said letters.

To which the Council did advise That his Excelency acquaint Governour Cornwallis that the Council on their parte were ready & willing to do every thing in their power to promote the settlemt of his Majtys province of Nova Scotia, but as the pay & sub sistance of any troops sent from hence depended on a grant of money from the House of Representatives who were not at present in a state of action they look upon raising of men at this time for that purpose impracticable.

His Excelency also laid before the Board a letter from Govr Clinton dated from Fort George, New York, Jany 6th 1750, complaining that a grant of land lately made by this Governmt was partly within that Governmt &c. And then asked the Council what answer they would advise him to make.

[p. 61.] To which the Council did advise that his Excelency submit the determination of the Boundary line between the Provinces to his Majty & pray his favour in settling the same & to acquaint Governour Clinton of such his resolution.

At a Council holden at Portsmo According to his Excelencys Sumons on Thursday August 22d 1750.

Present—His Excelency B. Wentworth, Esq. Governour.

Henry Sherburne, Ellis Huske, Theodore Atkinson, Richd Wibird } Esqs.

John Downing, Saml Solley, Sampson Sheaffe } Esqs.

His Excelency laid before the Board a letter he recd from his Excelency Governour Clinton dated New York 25th of July 1750 relateing to the dividing line between the two governments & de-

siring if the affair was submitted to his Maj^{tys} determination that his Excelency would exchange with him the representation he should make to his Maj^{ty} thereon—and that he would in this case send his representation to his Excelency here.

And then asked the Council if they would advise to such an exchange—to which the Council did advise & consent.

His Excelency also mentioned to the Council the money granted by Parliament for reimbursting the charge the Province had been at in the expeditions against Louisburg & the *the* intended expedition against Canada taking notice of the circumstances that attended the said Grant that at present it lay without any im- [p. 62.] provem^{t} to the advantage of the Province—and then asked the oppinion of the Council therein that if any thing could be done for the service of the Province he was ready to joyn them therein—which matter being debated and several acts of Governm^{t} for emitting the said money being read & laid upon the table it was resolved that the future consideration of this affair be referr'd to the next meeting of the Governour & Council.

At a Council holden at Portsm^{o} on Fryday August 31, 1750.

Present—his Excelency Benning Wentworth, Esq. Governour

Henry Sherburne	Esqs.	Richd Wibird	Esqs.
Ellis Huske		John Downing	
Theod. Atkinson		Sampson Sheafie	

The Council again took under consideration the affair of the money in England granted by Parliament as mentioned the 22^{d} Instant and considering the several acts by which the money was emitted here and the directions from England thereon did not at present think it advisable to come to any resolution relating to the same.

His Excelency laid before the Board the Act of Parliament past the 16th of November 1749 entituled An act to encourage the importation of Pigg & Bar Iron from his Maj^{tys} Colleries in America & to prevent the erecting of any mill or other engine for slitting or rolling Iron &c. And ordered that the same be made publick thro' out this Province by the High Sheriffs reading the same in the publick places of this town & th^{t} ye Secy cause a Notification to be set up in several towns thro' out the Province.

Order by the Governor.

[Copied from MS. Corr. in Secy's office, vol. II, p. 45]

Province of New Hampshire

By his Excelency the Governour

All persons who are Proprietors of or are concerned in any mill or Engine for slitting and rolling of Iron or any Plateing forge to work with a Tilt-hammer, or any furnace for making steel within this government (if any such mill, engine, furnace or forge there are) are hereby required to deliver or caused to be lodged in the Secretarys office on or before the 10th day of October next a Certificate of their respective interests or shares in such mill, Engine, Forge or Furnace Expressing therein the places where they stand, the Time when Erected & weither the same be used or not.

Given under my hand at Portsmo the 31st day of August, 1750.

B. Wentworth.

By his Excelencys command
Theodore Atkinson, Secy

Since issuing the above order, I do hereby certify that there hath not been any certificate in or about the Premises above said, Bro't or lodged in the Secretarys office, & that there is not now nor ever was within this Province any such mill, Engine, Forge or Tilt-hammer

B. W.

By order of his Excelency,
T. A. Sy.

[p. 63] At a Council holden at Portsmouth Sept. 26th 1750.

Present—His Excelency B. Wentworth Esq. Governour

Theodore Atkinson, Richd Wibird, Saml Smith } Esqs.

Saml Solley, Sampson Sheaffe } Esqs.

The High Sheriff bro't in & delivered his Excelency an order of his Majesties Superiour Court of Judicature for dismissing an Indian man named Nambrons who was committed to goal by a Warrt from Saml Harte Esq. for attempting to kill Moses Wingate by stabing him in the arm &c. and that his Excelency should be informed of the sd order to the intent that his Excelency might make such order with relation to the sd Indian as he should think proper.

Order of Court, &c.

[Copied from MS. Corr. in Secy's office, vol. II, p. 51.]

Province of New Hampshire—

At his Majesties Super Court of Judicature held at Portsmouth in and for the Province of New Hampshire on the second Tuesday of September being the Eleventh day of said month by adjournment from ye first Tuesday of August next foregoing, in the 24th year of his Majesties reign, A. D. 1750.

Present—The Honble Ellis Huske, Esq. Chief Justice

The Honble { Thomas Wallingford, Meshech Weare } Esqs. Justices

An Indian man of Penobscot (as he saith) by ye name of Nambrous being committed to his Majesties goal in Portsmouth by warrant from Saml Hart Esq. Justice of the Peace for said Province for attempting to kill Moses Wingit of Dover by stabbing him with a knife in the arm and body—no evidence appearing against him, the said Indian—to convict him—It is considered by the court that the said Indian be acquitted and Discharged. And inasmuch as the Indian Nations are making Warr upon his Majesties subjects in New England, therefore Ordered that his Excellency the governour be Informed of this Courts order to Discharge the said Indian and that this court can hold him no longer, to the Intent that his Excelency may take order as he shall think fit concerning him.

This order pass'd Sept. 26, 1750.

Copy of Record—Attest Geo. Jaffrey, Cl.

Which [order] being read at the Board and in as much as the tribe to which the sd Indian belongs having comitted hostilities against his Majtys subjects of the neighbouring Governments the Council advised his Excelency to give the Sheriff orders to detain the sd Indian & his squaw that is now with him till further order of the Governour & Council.

At a Council holden at Portsmouth by his Excelencys Sumons on Thursday December 13th 1750

Present—His Excelency Benning Wentworth, Esq. Governour.

[p. 64.]

Ellis Huske, Theod. Atkinson, Richd Wibird } Esqs.

John Downing, Saml Smith, Sampson Sheaffe } Esqs.

His Excelency laid before the Board a letter dated Whitehall the 19th July 1750 from the Right Honble the Lords Comissioners for Trade and Plantations directing his Excelency to send over to them with all possible dispatch the best accts he can get of the boundaries of the Province together with a *Cart* or Map thereof and all the accounts & vouchers to support the same particularly with relation to any settlement made by the English on the fron-

tiers towards the lakes & mountains & to inform their Lordships weither the subjects of any foreign Prince have made any & what incroachments on the Province aforesaid & at what time.

And then asked the Council what method they would advise him to take fully to answer the said letter.

To which the Council did advise that his Excelency employ some suitable person or persons to make an exact Plan of the Province agreeable to the bounds mentioned in his Excelencys Comission, & if necessary to measure the course and distance between Piscataqua river & curve line that is 3 miles north of Merrimack and that the expense thereof be paid out of the Treasury when acc^{ts} thereof shall be laid before the Council and allowed.

His Excelency acquainted the Board that the Goal-keeper had made frequent applications to him for some allowance for supporting the Indians now in goal by order of the Governour & Council he having long supported them and having hitherto received no allowance therefor.

Resolved that his Excellency be desired to grant his warrant on the Treasury for ten pounds N^{r} Ten^{r} to be paid out of the money in the treasury as fines to the said Pitman if any such money there is there.

[p. 65.] At a Council holden at Portsmouth by his Excellencys order on the 24th day of Jany. 1750—

Present.

His Excellency Benning Wentworth Esq. Governour.

Theodore Atkinson, Richd Wibird } Esqs. John Downing, Sampson Sheaffe } Esqs.

His Excelency laid before the Board a letter from his Excelency G. Clinton Esq. Governour of New York dated the 18 of December last acquainting his Excelency here that he had appointed a meeting of the six nations of Indians at Albany on the first week of June next and desiring he would be there in person or send Comissioners to consult on proper measures (with the other governments) in order to retain the s^{d} six nations in the Interest of his Majesty & of his Provinces here, and that such Comissioners come properly furnished with presents &c. which letter being read his Excelency asked the advise of the Council in what manner they would advise him to an^{s} the s^{d} letter. (1)

Upon which the Council answered that considering the present unactive situation of the Government could not advise to any other answer than acquainting his Excelency Governour Clinton of their hearty inclination to cultivate a good understanding with the

(1) The letter of Gov. Clinton cannot be found.—Ed.

said six nations, & that they would readily joyn with the other *brances* of the Legislature in every reasonable thing to answer such an end, but at present think it improper to advise to the [p. 66.] sending any Commissioner, not being in their power to furnish them properly with suitable presents without which they apprehend the embassy would be of little service.

Mr. John Ober from the town of Salem & Mr. Samuel Campbell from the Parish of Windham produced before the Board the votes of the s^{d} town & Parish for altering the line between them as pr votes on file & prayed that his Excelency & Council would be pleased to alter the s^{d} line agreeable to the s^{d} votes & a Plan also exhibited but there being a petition & complaint also exhibited by Saml Morrison & others relating to the s^{d} votes & line the Council suspended the consideration of the s^{d} affair till a future meeting.

At a Council holden at Portsmouth according to his Excelency's Sumons on Friday April 26th 1751,

Present

His Excelency B. Wentworth Esq. Governour

Ellis Huske, Theod. Atkinson, R. Wibird } Esqs. John Downing, Sampson Sheaffe } Esqs.

The petition of Timothy Dwight of North Hampton in ye Mass^{a} Bay, Esq. and others his Associates praying a grant of a tract of land of six miles square within this his Maj^{tys} Province agreeable to the scituation & bounds in the s^{d} Petition mentioned being read at the Board his Excelency asked the Council weither they would advise to the granting the said tract of land & makeing out a Charter in the comon form—accordingly to which the Council did advise and consent.

[p. 67.] Also one other petition of Phineas Lyman Esq. of ye s^{d} North Hampton & his associates praying for one other tract of Land of six miles square & adjoyning to the abovementioned tract granted to Timo. Dwight & associates bounded as in the said petition being read his Excelency asked the advice of the Council weither a grant & Charter in comon form should be made to the petitioners to which the Council did advise & consent.

At a Council holden at Portsm° on Wednesday 17 July 1751.

Present

His Excelency Benning Wentworth Esq. Governour.

Henry Sherburne, Theod Atkinson, Richd Wibird } Esqs. John Downing, Sampson Sheaffe, } Esqs.

Upon reading the petition of Thomas George Abraham Merrill & others praying to have the inhabitants of a tract of land lying partly in Chester, partly in Londonderry & and partly land not heretofore incorporated lying between those towns & Merrimack river, incorporated & the inhabitants thereon invested with the privileges of a town &c. It appearing by a vote of the town of Chester that they had consented so far as they were concerned, but Londonderry not having signifyed their consent—Ordered that the Town of Londonderry be notifyed hereof that they may shew cause if any they have why the prayer of the said Petition may not be granted on the first of August next and that the petitioners serve the selectmen or Town Clerk of Londonderry with a copy of the petition & this order.

[p. 68.] At a Council holden at Portsmouth by his Excelencys Sumons on the 1st of August 1751.

Present in Council

His Excelency Benning Wentworth, Esq. Governour

Henry Sherburne, Theodore Atkinson, Richd Wibird } Esqs. John Downing, Sampson Sheaffe } Esqs.

Capt. Samuel Barr appeared in Council & desired to be heard in behalf of Londonderry on the affair of the petition of Thomas George, Abraham Merrill and others relateing to a Parish as entred the 17th of July last, but his power of appearing being insufficient & he praying a further time to notify the town & to know their oppinion &c. Ordered that the affair of the s^d petition be suspended til the first Tuesday in September next and that the s^d town be notifyed accordingly & shew cause if any they have why the prayer of the said petition should not be granted.

At a Council holden at Portsmouth on Tuesday September the 3d 1751.

Present

His Excelency Benning Wentworth Esq. Governour

Henry Sherburne	Esqs.	John Downing	Esqs. of his Majtys Council.
Theodore Atkinson		Samll Smith	
Richd Wibird		Samp. Sheaffe	

Applycation being made to this Board by Sr. William Pepperell, Bart that he had a copy of an Act of Assembly of this Province attested by Richard Waldron Esq. the former Secretary and all of [p. 69.] sd Waldron's own writing, the original he supposes was burnt when the said Waldron's house was burnt he not being able to find it & therefore prays that his Excelency with advice of Council would be pleased to permit the Secretary to enter the same upon the records of this Province and it appearing to the Board that the sd copy is in the hand writeing of Richard Waldron Esq. the former Secy and attested as a true copy by him—'Tis ordered that the Secretary enter the same upon the proper records together with this minit of Council & to certify the same to be a copy of a copy.

At a Council holden at Portsmonth by his Excelencys Sumons on Wednesday September 25th 1751.

Present

His Excelency Benning Wentworth Esq. Governour.

Henry Sherburne	Esqs.	Samll Smith	Esqs of the Council
Ellis Huske		John Downing	
Theodore Atkinson		Sampson Sheaffe	
Richd Wibird			

His Excelency & the Council took under consideration the alteration of the lines between the town of Salem and the Parish of Windham agreeable to the votes of each of the places (as entered the 24th Jany last) copys of which being produced before the Board & in order to the settling the said places in peace it being agreeable to the votes aforesd—Ordered that the line be alter'd agreeable to the Plan & votes exhibited & that an Instrument be drawn up for the makeing the said alteration, and that his Excelency be desired to sign the same & cause the Province Seal to be affixed & [p. 70.] countersigned by the Secretary & this to be don on the back of the Charter for Salem (if it can conveniently be so don) or by a separate Instrument & recorded in the Secys books according to custom & that the town of Salem be ordered to produce the Charter aforesaid in order to effect the affair abovesaid.

Post Meridiem

His Excelency the Governor acquainted the Board that he this day was informed a discovery was lately made of a number of counterfeit Bills in imitation of the true Bills of Credit of this Province and that his Maj^{tys} Superiour Court of Judicature now setting had issued process against sundry persons suspected to be guilty of makeing or passing the s^{d} Bills, and then informed the Council he had sent for & talked with the Kings Attorney on this affair and asked him if there was any thing by proclamation or otherways that he with the advice of Council could do that would probably be of service in detecting the persons concerned in the said counterfetts, that the Kings attorney told him he did not at present see that any proclamation was necessary for the pursons were already under a process but that if any new discovery should be made or any further evidence should be wanting on tryal, a Proclamation might be requisite which he would give timely notice of to his Excelency. Then his Excelency asked the Council what they would advise to, who answered they advised his Excelency to issue any such Proclamation as may be of service so far as to promise therein that any person or persons who would [p. 71.] voluntarily inform against any person or persons concerned so as that they may be convicted they should be liberated from any punishment for being concerned &c.

Prov. of New Hamp^{r}

At a Council holden at Portsmouth according to his Excelencys Sumons on Tuesday October the 15th 1751.

Present,

His Excelency Benning Wentworth Esq. Governour

Ellis Huske, Theodore Atkinson, Richd Wibird } Esqs

Saml Smith, Sampson Sheaffe } Esqs

His Excelency laid before the Board a petition of Thomas Sheapard & others inhabitants of this Province praying for a grant of his Maj^{ties} lands of the contents of six miles square lying on Pemidgwasset river on the east side thereof as surveyed and planned by Saml Lane surveyor whose plan was also laid before the Board & the land petition'd for being No (1) in the said plan lying on the east side of said river, and then asked the council weither they would advise to such a grant; to which the Council did advise and consent.

His Excelency also laid before the Board the petition of Andrew Oliver Esq & others of Boston in the Massachusetts Bay praying for a grant of his Majesties land of the contents of six miles square

bordring on the Line between the Provinces of New Hamp^{r} & the Massachusetts Bay and lying between Connecticut & Hudsons rivers adjoyning on the west side of the town of Halifax, &c. [P. 72] and then asked the Council weither they would advise to the said grant to which the Council did advise & consent.

At a Council holden at Portsmouth according to his Excelencys Summons Feby the 10th 1752

Present

His Excelency Benning Wentworth Esq. Governour

Henry Sherburne, Ellis Huske, Theodore Atkinson } Esqs

Richard Wibird, Saml Smith } Esqs

The Secretary by his Excelencys order laid before the Board three petitions from sundry persons praying for three separate Townships of his Maj^{tys} lands lying on the east side of Connecticut river beginning at the north side of a tract of land called Winchester and extending up the river to the northward so as to joyn to No. (4) so called and east to the land called the Ashuelotts as far as they (the Ashuelotts) go to the northward (viz.) That the first or most southerly township called No. (1) in the Plan exhibited may be allotted to the petition signed Elias Alexander, John Brooks and others: That the township adjoyning northerly on No. (1) & marked No. (2) in the s^{d} plan be granted on the petition of Elias Hubbard, Thos Chamberlain and others, and that the township marked No. (3) on the said plan and adjoyning No. (4) may be granted to the petition signed Benj^{a} Bellows, Ebenezer Harris & others—all which petitions & Plans being perused by the Council, the Secretary by his Excelency's order put it to the Council weither they would consent to the granting the said [P. 73] respective tracts of land to the Petitioners with such others as should be tho't proper to be entred as Associates—to which the Council did advise and consent.

His Excelency then asked the Council weither they would advise to the appointing a Publick Fast to be held and kept thro' out this Province on the 10th of March next to which the Council did advise & consent.

At a Council holden at Portsm^{o} according to his Excelencys Sumons on Tuesday March 24th 1752.

Present

Ellis Huske
Theodore Atkinson
Richard Wibird—Esqs.

The Sec^{y} acquainted the Council that his Excelency the Govern^{r} was just informed that a vessel was come into this harbour from Boston Benj^{a} Randell master on board of which vessell there were many passengers—that as the Small Pox was very rife at Boston as well as many other places from whence vessells were dayly expected—and then asked the Councill what method they would advise to in order to prevent the said distemper from being bro't into this governm^{t} & particular what orders he should give the s^{d} vessel from Boston in particular—To which the Council did advise that his Excelency give orders that all vessells *indiscriminately* that shall come into this port be ordered & obliedged to anchor in some place where there will be no danger of comunicating the said distemper & that suitable persons be appointed to visit every vessell before any other person is admitted to go on board or any mariner sailor or passenger come on shore, and that [p. 74] the charge of such visit of enquiry be paid by the master or owner of each vessell before she shall be admitted to an entry or have leave to unlade or to unmoor or get under sail again & with respect to Randell the vessell above mentioned from Boston—Ordered that his Excelency be desired to order such a visit as above be made before any thing be landed from on board her.

At a Council & General Assembly holden at Portsm^{o} by his Excelencys Sumons on Thursday March 26, 1752.

Present

Ellis Huske, Theodore Atkinson, Richd Wibird, John Downing } Esqs.

of the Council.

The Sec^{y} laid before the Board his Excelencys letter of yesterdays & this days date relateing to their proposing some order to prevent the spreading of the Small Pox or it being bro't into this Province either by sea or land.

In consideration of which the Council came to the following resolve viz.

That at present they think the vote of Council of the 24th Inst, with his Excelencys orders thereon if duely & punctually put in execution may be the means of preventing the spreading the s^{d} distemper if bro't in by sea, *an* that in order to prevent the said distemper being bro't in to the Province from Boston or other infected place by land 'tis ordred that not any person not having heretofore had the small Pox be allowed to enter this Province by land comeing from Boston or other suspected place on any pretence whatever, the Comon Post and Publick Expresses excepted, & [p. 75.] that no person *all* he or she may have had the s^{d} distemper be allowed to enter the Province further than the habitation

of the first Justice of the Peace within this Province before whom he is to take an oath that he has not been in any town where the small Pox is or lately has been for four days then last past & that he has with him *nor* sort of goods (his wearing apparell excepted) that can possibly contain the infection & every Justice of the Peace is hereby directed to administer such oath and give the person so swearing a certificate under his hand of his haveing taken such an oath & every person who hath not heretofore had the small Pox that shall be found traveling from Boston or other suspected place to have the small Pox which shall be determined by his oath before a Justice of the Peace unless there should be reason to suspect his swearing falsely,—every such person found within this Province shall be imediately apprehended by any one of his Maj^{ties} Justices of the Peace or the Selectmen, constable, Tithingmen, or other officer within any town in this Province, and be directly by order of the next Justice of the Peace [sent] back to the place whence he she or they came—& if any such person shall be detected in attempting to come into the Province a second time such person shall be by order from any Justice of the Peace imediately sent to the Pest House in Portsm^{o} there to remain till further orders of the Governour & Council, and that his Excelency be desired to issue a Proclamation hereon & cause the same to be put up in suitable places that persons may not plead ignorance.

[P. 76.] At a Council holden at Portsm^{o} by his Excelencys Sumons on Tuesday April 21 1752

Present

Henry Sherburne, Theodore Atkinson } Esqs. Richd Wibird, Sampson Sheaffe } Esqs.

The memorial of Mr. Sheriff Packer setting forth that Timothy Johnson comitted to the Province Goal for debt did on the 18th inst. make a breach in the said Goal & made his escape, and that the Goal by means of the said breach and other defects is insufficient to keep any prisoners that shall be comitted, and prays the advisement of this Board: Which being read at the Board, Ordred, that Thomas Wibird, Esq. & Mr. Jeremiah Libby be a Committee, and they are hereby desired to examine the said Goal & make a Report at 4 o'clock this afternoon what repairs are necessary to be imediately done to make it sufficient to retain any prisoners that may be comitted there.

4 o'clock P. M.

Messrs Wibird & Libby the Comittee appointed to visit the Goal this day made their report as on file, that it was absolutely necessary to have three new locks and the *petition* between the lower rooms lined with two inch oak plank well spiked.

Upon which report 'tis ordred, that the Sherriff be directed to get the said repairs faithfully don & the locks purchased and put on to the doors as soon as may be and lay the acc^{ts} of the cost and charge thereof before this Board.

At a Council holden at Portsmouth on Monday August the 10th 1752, By his Excelencys Sumons,

Present

[p. 77.] His Excellency B. Wentworth Esq. Governour.

Henry Sherburne, Theodore Atkinson, Ellis Huske } Esqs. Richard Wibird, John Downing } Esqs.

His Excellency lade his Maj^{ties} Instructions to him before the board and ordered a minute to be made in the Council books viz. the following is that clause of his Maj^{ties} first Instruction to Governour Wentworth which relates to the order & peace of his Maj^{ties} Council for this Province as it stands in the said Instruction Viz. "The members of his Majesties Council in that Province Viz—Shadrach Walton, George Jaffrey, Jotham Odiorne, Henry Sherburne, Richard Waldron, Theodore Atkinson, Joshua Pierce, Joseph Sherburne, Ellis Huske, Richard Wibird Samuel Smith John Downing Esqs," which by his Excelencys orders was entred accordingly.

His Excellency acquainted the Council that his ill state of health had hitherto prevented his asking the Councils advice in calling a new assembly but that he was now in hopes of being able to attend his Maj^{ties} service in General Assembly—Asked the Council weither they could advise him to issue a Precept for the calling an Assembly as soon as conveniently might be, to which the Council did advise and consent unanimously.

At a Council holden at Portsm^{o} on Thursday Nov: 2^{d} 1752.

Present.

His Excelency Benning Wentworth Esq Governor.

Henry Sherburne, Theodore Atkinson, Richd Wibird } Esqs. Samuel Smith, John Downing, Sampson Sheaffe } Esqs.

[p. 78.] The petition of John Halburt Josiah Willard & about 58 others praying for a grant of a Township of his Maj^{ties} lands lying on the west side of Connecticut river (heretofore granted to the Petitioners by the Massachusetts Governm^{t} & known by the name of No. (1) or Tauntontown, (1) but since the running of the

(1) Now Westminster, Vt.—Ed.

divisional line between the Provinces the said lands fall within this Province) upon the conditions that his Excelency with advice of his Majesties Council grants to other his Majesties subjects: upon which the question was by his Excelencys order put to the Council weither they would advise him to make a grant to the s^d^ Petitioners agreeable to the s^d^ Petition to which the Council did advise with an aditional number to be added to the subscribers of the said petition.

At a Council holden at Portsm^o^ on Monday Decemb^r^ 4th 1752.

Present.

His Excelency Benning Wentworth Esq. Governour.

Theodore Atkinson Richd Wibird John Downing	Esqs.	Sam^ll^ Solly Sampson Sheaffe	Esqs.

His Excelency acquainted the Board that upon the Memorial of Capt William Symes he had some tho'ts of attempting a settlement at Co-os as the same if effected would in so many ways great ly tend to the advantage of this Province and asked the Council weither as they had been well acquainted with the circumstances of that affair they would advise to the granting four townships of the contents of six miles square each to and amongst four hundred [p. 97.] men as soon as so many are ready to enter and make settlement at the aforesaid place called Co-os to which the Council did unanimously consent and advise (1)

At a Council & General Assembly holden at Portsmouth by his Excellencys Sumons on Tuesday December 21 1752.

Present.

His Excelency Benning Wentworth Esq. Governour

Henry Sherburne Theodore Atkinson Ellis Huske	Esqrs	Richard Wibird John Downing Sam^ll^ Solly.	Esqrs

His Excelency directed the Secretary to read at the Board the following petitions for grants of sundry tracts of land agreeable to his Maj^ties^ Instructions—viz.

A Petition signed by William Lawrence & Thos Read & alii.

A Petition signed by Josiah Converse Seth Blodgett et alii.

A Petition signed of Zedekiah Drury Sampson Stoddard et alii.

A Petition signed & preferred by Capt William Symmes—

And then directed the Secretary to put the question to the Council weither they would advise him to make out charters to the respective petitioners or to such as may be aded the first of the

(1) See documents in *Journal of the House* relative to the abovesaid matter.—Ed.

said towns to lye adjacent to the upper Ashuelot so called & east of Wallpole to the petition of Wm Lawrence Thomas Reed & others & the other three to the north ward of this tract agreeable to the petitions,—to all which the Council did unanimously consent & advise—

His Excellency then laid the petition of Samuel Wentworth, Palmer Goulding & alii praying for a tract of land on the west side of Connecticut river known by the name of No (2) (1) before [p. 80] the Council and asked weither they would advise him to make out a charter for these lands to which they did unanimously consent and advise—

His Excellency laid before the Board the following petitions and asked the Councils advice thereon viz.

The petition signed by Elias Alexander & 59 others. Also the petition signed Thomas Tayler & 59 others also the petition signed Sam^ll Ashley & 59 others. Also the petition signed John Bissell & 59 others Each praying for a tract of land of the contents of six miles square and weither they would advise him to make a grant of the said tracts agreeable to said petitions to which the Council did unanimously consent & advise—

At a Council holden at Portsm^o Jany the fourth being Thursday 1753 by his Excelencys summons.

Present.

Henry Sherburne } Esqrs Richard Wibird } Esqrs
Theodore Atkinson } Sam^ll Solley }

The Secretary by his Excelencys order laid before the Council a letter from Mr Secretary Willard to his Excelency dated at Boston the first Inst. enclosing 2 others one from Killingsly of the 28th ult. from Wm Chandler Esq giving an acc^t of some counterfit Bills in imitation of the genuine Bills of this Province and that one John George had uttered the said Bills &^c and acquainted the Council that his Excelency desired the Council would advise what was proper to be done in the Premises.

To which the Council did advise—

That in as much as the said John George referred to in the afore said letters had been suspected to have been concerned in [p. 81] passing of such counterfit Bills in the town of Hampton in this Province & process being issued against him therefor they tho't it adviseable to suspend the affair till enquiry be made into the circumstances of that procedure before any other steps could be taken.

(1) Now Rockingham, Vt.—Ed.

At a Council holden at Portsmouth by his Excelencys orders on Wednesday April 11th 1753.

Present—

Theodore Atkinson } Esqrs Samuel Solley } Esqrs
Richard Wibird } Daniel Warner }

The Secretary by his Excelencys order laid before the Board the petition of Benja Bellows in behalf of & as impower'd by the claimers & settlers of that tract of land called & known by the name of the upper Ashuelot praying that as they had settled the said tract of land by virtue of a grant from the Massachusetts Governmt before the line of Governmt was run and continued there till drove of by the Indian War &c and that a grant may be made so as not to break in upon their former surveys & laying out but to those persons that claim the same & have made improvements thereon &c and then asked the Council wheither they would advise his Excelency to make the said grant agreeable to the said request—To which they did unanimously consent & advise.

The Secretary also laid before the Board the petition of John Hazzeltine Esq for himself & in behalf of about sixty others praying for a grant ot a tract of his Majties lands westward of Connecticut river of the Contents of six miles square under the rents & reservation & duties &c directed to in his Majties Instructions [p. 82] and by his Excelencys order asked the Councils advice thereon. To which the Council did advise & consent—

The Secretary laid before the Council the petition of Abner Sawyer and about sixty others praying a grant of his Majties unappropriated lands lying to the westward of Connecticut river for a Township of six miles square upon the conditions directed to in his Majties Instructions—and asked the Council weither they would advise his Excelency to make such a grant. To which they did advise & consent.

At a Council & General Assembly holden at Portsmouth on Monday July the 2d 1753.

Present—

His Excelency Benning Wentworth Esq Governour.

Theodore Atkinson } Esqrs Samll Solley } Esqs
Richd Wibird } Daniel Warner }
John Downing } Sampson Sheaffe }

His Excelency laid before the Board the petition of Ebenezer Hinsdale Esq in behalf of himself & sundry persons inhabiting at a place called Northfield lying on the north of the dividing line of the Province of New Hampr & the Massachusetts Bay praying

that the Petitioners &c may be incorporated & invested with town priviledges &c & in case such a charter is inconsistent with his Majties Instructions that then the said tract with an adition of his Majtys unappropriated lands adjacent thereto may be granted to the Petitioners &c agreeable to his Majties sd Instructions. Which petition was read and also at the same time a letter signed by the Selectmen of that part of Northfield aforesaid that lyes in the Massachusetts Government on the South side of the said dividing [p. 83] line setting forth that they were informed that sundry persons were designing to petition for the above said lands lying on the north of the sd dividing Line in which they were also interested and praying they may be allowed time to petition for the said lands &c Which the Council took under consideration & passed the following resolve (viz.)

That his Excellency be desired to suspend the making any grant of the premises for two months and that the inhabitants of Northfield that live on the south side of the divideing Line & in the Massachusetts Government be advised of this resolve by a letter from the Secry that they may if they see cause petition for the said lands, & that if they do not that then & in such case his Excelency be desired to make out charters for the same agreeable to the above mentioned petition of the inhabitants on the north side of the said dividing Line.

The petition of Josiah Willard Esq for himself & in behalf of the settlers & claimers of a tract of land bounding partly on the province Line partly on Northfield so called & partly on Connecticut river called by the name of Winchester as the same was granted by the Massachusetts Government—praying for a grant of the sd tract or Township agreeable to their former surveys divisions & partitions &c which being read at the Board his Excelency put the question to the Council weither they would advise him to make a charter agreeable to the petition to which the Council did consent & advise.

[p. 84] The petition of Coll Williams Symes in behalf of the settlers & claimers of a tract of land known by the name of the Lower Ashuelot as the same was granted by the Province of the Massachusetts praying for a grant of the Premises to be so made that it might not subvert their former possessions surveys & divisions &c was read at the Board & his Excellency put the question to the Council Weither they would advise him to make a charter agreeable to the above proposal to which the Council did consent & advise.

The petition of Phineas Stevens Esq in behalf of himself & the claimers & settlers of a tract of land on Connecticut river known by the name of Number Four (1) setting forth that the said tract of land was heretofore granted to them by the Massa Government in pursuance of which they had divided the same and made great improvements thereon & praying they might have a grant of the

(1) Now Charlestown, N. H.—Ed.

premises in such a manner as to confirm them in their several divisions &c which was read at the Council Board & the question being put weither they would advise his Excelency to make out a charter agreeable thereto & it passed in the affirmative unanimously.

At a Council holden at Portsmo on Saturday September 1st 1753.

Present.

His Excelency B. Wentworth Esq. Govr.

Henry Sherburne	Esqrs	John Downing	Esqrs
Theodore Atkinson		Sampson Sheaffe	
Richd Wibird		Daniel Warner	

[p. 85.] A petition of the settlers & Claimers of land in the north part of Northfield so called who live on the south side of the Province Line. and also the petition of Ebenezr Hinsdale in behalf of himself & others claimers of Land in said Northfield who live on the north side of the said dividing Line as entred the 2d day of July last praying for a grant of the said tract of land lying on the North side of the sd dividing Line agreeable to his Majties Instructions &c both which was read at the Board as was also the kings attorney & Solicitors oppinion relateing to these sort of grants &c and then his Excellency asked the Council weither they would advise him to make out charters of grant for the same in such a manner that the present settlers & claimers may be invested in their rights as they imagined they held the same before the running the said Province Line—to which the Council did advise and consent as also that a strip of the kings Land should be added on the west side of Connecticut river so as to include the farms of Sargent & Sautle so called—

At a Council holden at Portsmo on Wednesday September 5th 1753.

Present

His Excelency Benning Wentworth Esq Governour—

Henry Sherburne	Esqs.	Samll Smith	Esqs.
Theodore Atkinson		Sampson Sheaffe	
Richd Wibird		Daniel Warner	

Upon reading the petition of Ebenezr Hinsdale Esq. praying to [p. 86.] have an alteration made in the dividing Line between the towns of Winchester & Hinsdale for the better accomodating the inhabitants of both towns with respect to the incorporation only agreeable to the charter of the said townes to which the Council did

agree & consent and advised his Excelency to grant a charter of Incorporation accordingly agreeable to a Plan exhibited to begin eighty rods easterly on the Province Line from Connecticut river & there to run north by the Needle—

At a Council holden at Portsm° on Monday the 24th of December 1753—

Present.

Theodore Atkinson Richd Wibird Samll Solly	Esqrs.	Sampson Sheaffe Daniel Warner	Esqrs.

The Secretary by his Excelencys order laid before the Board the several petitions of William Brattle Esq Josiah Willard Esq & the other persons claiming a tract of land lying on the west side of Connecticut river in this Province setting forth that they were purchassers under a grant of the Massachusetts of the said tract comonly called the equivalent lands but by the dividing Line of the Provinces falls within this Government—and praying to have the kings grant therefor under the conditions &c directed to in his Majtys Instructions And then agreeable to his Excelencys directions asked the Council weither they would advise to the making out a charter—to which the Council did advise with an aditional number of officers to be added to the Petitioners as Grantees—

[p. 87.] The Secretary also laid before the Board by his Excelencys orders the petition of Palmer Goulding & about fifty others praying for a tract of his Majtys unappropriated lands on the west side of Connecticut river and adjoyning thereon next above a township lately granted by the name of Rockingham—and then asked the Councils advise to his Excelency thereon—The Council took the same under consideration and advised the Governour not to grant the said land to the said petitioners but advised that a grant should be made (if the petitioners desired the same) of a tract lying six miles westerly of the tract of land petitioned for.

At a Council holden at Portsm° Feby 20, 1754 Wednesday.

Present.

Theodore Atkinson Richd Wibird Samll Smith John Downing	Esqrs	Samuel Solly Sampson Sheaffe Danll Warner	Esqrs.

The Secy by his Excelencys order laid before the Council the petition of Palmer Goulding & others praying a grant of a tract of

his Majestys land that is yet unappropriated weither a tract of six miles square to begin at the Northwest corner of Rockingham thence west six miles & to carry that breadth north ten degrees east six miles should be granted to the petitioners agreeable to his Maj^{tys} instructions & it passed in the affirmative & the Governor desired to grant a charter accordingly.

[P. 88.] At a Council holden at Portsm^{o} by his Excelencys sumons on Wednesday March the 13th 1754.

Present.

Theod^{r} Atkinson Richd Wibird Sam^{ll} Solly	Esqrs	Sampson Sheaffe Dan^{ll} Warner	Esqrs.

The Secretary laid before the Board his Excelencys letter of this day relative to a stagnation of affairs now before the Superior Court for want of a Quorum of the Justices—and a doubt arising in which particular his Excelency required the advice of Council therefore ordered that the Secretary write to his Excelency to acquaint him thereof &^{c} and to assure him of the Councils readyness in every thing in their power to advise in this or any other affair for his Maj^{tys} service.

The Council adjourned till to-morrow 9 o'clock A. M.

The Council met accordingly & being nothing before them adj^{d} sine die.

At a Council holden at Portsm^{o} by his Excelencys sumons on Thursday March the 21 1754.

Present.

His Excelency the Governour.

Theod^{r} Atkinson Richd Wibird John Downing	Esqs	Sampson Sheaffe Daniel Warner	Esqs

His Excelency acquainted the Council that the high Sheriff of the Province had informed him that at two of the clock in the morning of this present day a number of persons to the amount of one hundred or more made an attempt upon the Province Goal [P. 89.] with axes iron crows and broke open the doors of the prison and rescued the two prisoners indicted for the murther of two Indians said to be killed at or near Contoocook Viz—John alias Anthony Bowen & John Morrel & aided & assisted them the said Bowen & Morrell in their escape—His Excelency then desired the Council would advise what steps they tho't necessary or proper to be

taken in the affair in order to the apprehending the said Bowen or Morrell or either of them & bringing the persons who broke open the Goal as aforesaid or was aiding or assisting in the said breach or *rescous* the Council apprehended that such a number of persons as were snpposed to be the authors of the *rescous* must be many of them known & as it is suggested that some of them are known & may be brought to justice without offring any reward—but with respect to the two Prisoners Bowen & Morrell that his Excellency be advised & desired to issue a Proclamation offring a a reward of two hundred pounds old Ten^{r} to any person or persons that shall apprehend the s^{d} Bowen & the like sum of £200 in old Ten^{r} to any person or persons that shall apprehend the s^{d} Morrel & bring them or either of them to his Majestys Goal in Portsm^{o} & all necessary charges in bringing the said prisoners or either of them to the said Goal—(1)

At a Council holden at Portsmouth on Thursday May 15th 1754.

Present.

His Excelency the Governour.

[p. 90.]

Henry Sherburne	Esqs	Sampson Sheaffe	Esqs
Theodore Atkinson		Daniel Warner	
Richd Wibird		Joseph Newmarch	
Jno Downing			

Mr Stephen Gerrish appearing at this Board presented a petition of Phineas Stevens & eight others inhabitants at Contoocook setting forth that the Indians had began hostilities in that part & had captivated a family and rifled the house of another &c, & being examined what he knew of the affair says on Saturday the 11th Inst he saw a lad son of Nathaniel Malloon who lived at a place called Stevenstown about five miles from Contoocook who informed him the declarent that his father & family were taken as he supposed by the Indians he having seen a number of Indians near his fathers house which occasioned him the s^{d} lad to run into the woods by which he escaped upon which report the said Gerrish & sundry others went immediately to the house where they found the feather beds emptied upon the floor & the tickins carryed off—Most of the meal that was in the house carryd off. They tracked the Indians some way from the house—that the family consisting of the man his wife & three children were all gon off and by the said signs he imagined were all carryed into captivity. The petitioners therefore prayed some speedy succours to guard & defend them & to prevent if possible further depredations—upon which peti-

(1) See more on this affair in Journal of the House, of correspondent date.—Ed.

tion & information his Excelency asked the Council what they would advise to in the Premises. The Council considering thereof did advise his Excelency to give the necessary orders for inlisting or impressing twenty effective men to be immediately sent to [p. 91.] Contoocook, Canterbury & Stevenstown to be destined as his Excelency shall think most advantageous for guarding the inhabitants in these parts for one month.

His Excelency lade before the Board his Maj^{tys} Mandate directing him to swear & admit Joseph Newmarch Esq to be of his Maj^{tys} Council in this Province which was read at the Board & the said Newmarch took the usual oath as required as also the oath of office.

At a Council holden at Portsmouth by his Excelencys Sumons on Sunday August the 18th 1754.

Present.

Henry Sherburne, Theod^{r} Atkinson } Esqs. Richd Wibird, Dan^{ll} Warner } Esqs.

The Secretary laid before the Board his Excelencys letter of this day giving an acc^{t} he had rec^{d} of some mischiefs being done by the Indians at a place called Stevens Town on the frontiers of this Government & directed to the taking the particulars for further information from Andrew McClary who bro't the advice to his Excelency.

The said Andrew being examined declared that Eph^{m} Foster & Eph^{m} Moor acquainted the declarent that they were at Stevenstown the day after the mischief was done by the Indians & found the body of Mrs Call lying dead (near the door her house) scalped & her head all most cut off & upon further search found the body of a man whose name was Cook dead & scalped that the Indians were supposed to be about thirty in number according to the acc^{t} of eight men that upon hearing the news went immediately from [p. 92.] Contoocook to Stevens Town & in their way passed by the enemy who soon followed them & seeing the Indians too many in number to engage they parted & endeavoured to escape one of the company one Bishop stood some time and fired at the Indians but was soon obliedged to run. Cook was found dead by the rivers side Bishop supposed, to be killed & sunk in the river he being still missing. That there were two men belonging to the said plantation at a distance working in a meadow that as yet were not come in & twas feared had fallen into the enemies hands that as the declarent understood all the inhabitants consisting of about eight families were come down into the lower towns & had left their improvements corn hey cattle &^{c}—

Upon which the Council came to the following resolve. viz.

That his Excelency be desired to give immediate orders for enlisting or impressing such a number of men as he may think proper in this emergency & dispose of the same to encourage the settlers to return to their habitations & to secure their cattle & harvest & to encourage the other frontiers in that quarter—

At a Council holden at Portsm° according to his Excelencys Sumons on Thursday Septem^r 3^d 1754.

Present.

Henry Sherburne	Esqs.	Sampson Sheaffe	Esqs.
Theod^r Atkinson		Daniel Warner	
Richd Wibird		Joseph Newmarch	

The Sec^ry by his Excelencys order laid before the Council Sundry Letters he this day rec^d from the Western frontiers on Connecticut river giving an acc^t of a large body of Indians coming [p. 93.] cross the Lake and that they had don great damage at Hoosuck on the north part of the Massachusetts and had killed & captivated sundry persons thereabouts had burnt many houses—That another party had been at Charlestown on Connecticut river in this Province and had captivated the families of James Johnson & plundered his house. And then acquainted the Council that his Excelency desired they would give him their advice in & about the premises (1). The Council taking the premises under consideration and finding there was no money in the Treasury but what by act of Assembly is appropriated to particular purposes and with out money for soldiers subsistance they cant be impressed therefore recomend to his Excelencys consideration weither under the present difficulties it may not be proper to call the members of Assembly together that his Excelency may have their advice & assistance in providing the necessary aid for the security of the s^d frontiers.

At a Council holden at Portsm° on Saturday Feby 15th 1755.

Present

His Excelency the Governor.

Theodore Atkinson	Esqs.	Sampson Sheaffe	Esqs.
Jn° Downing		Daniel Warner.	

The Secry by his Excelencys order made a representation to the Council of the affair now before the Superior Court of Judicature in relation to their procedure aga^st sundry persons apprehended for counterfiting or passing counterfeit Bills of Credit in imitation of [p. 94.] the true Bills &^c. And also laid before the Council his Excelencys letter of this day on that affair.

And also the vote of Assembly concurrd the 24th Jany last directing all proper officers to use their endeavours to finde out &^c

(1) See said letters in Journal of the House.—Ed.

any person or persons that may have a hand in the said affair and for paying the charge & expence thereof out of the Treasury. All which being laid before the Board the Council was asked what advice they would give his Excelency with respect to his draft on the Treasury.

To which they did advise that his Excelency be directed to grant his Warrant on the Treasury for such sums from time to time as the Judges of the Superior aforesaid should certify in their oppinion was necessary for the support of evidences, charges of expresses & officers expences &c which the Council apprehend to be the design & intent of said vote of Assembly.

At a Council holden at Portsm° by his Excelencys sumons on Wednesday Feby 26, 1755.

Present

His Excelency the Governor.

Theodr Atkinson—Daniel Warner Esqs.

His Excelency made a speech to the Council in the words following, viz—In order to dislodge the subjects of the French King who have errected forts within the limits of his Majties dominions in North America & comitted open acts of hostilities the King has ordered two regiments to be sent to America and two others to be raised within any of his Provinces on the Continent and as it may [p. 95.] be probable some of the Trading people of this Government may for the sake of gain carry provisions & warlike stores to some of the French settlements unless there is some prohibition laid on the exportation thereof in this port which may be of great prejudice to his Majesty's service upon this point I desire his Majtys Council to advise to some measures that may effectually prevent such supplys being ship'd off from this Governmt for the supplying of any of the French Kings Colonies or subjects.

Upon which the Council did advise that his Excelency give orders to the several officers that no vessell be admitted to clear out of any port within this Province on board of which any sorte of provisions or warlike stores were laden more than shall be necessary for the crew & passengers (which quantity to be ascertained by the oath of the master) until the Master shall have given bonds with suretys to his Majty in the sum of five hundred pounds sterling the said bond to be taken by the Secy & lodged in his office with condition that any such provisions or warlike stores shall be bona fide landed in some of his Majtys dominions & return a certificate of their being so landed from the Custom House Naval officer or other proper officer in the port where such goods shall be so landed.

At a Council holden at Portsm° by his Excelencys sumons on Thursday June 5th 1755.

Present.

His Excelency the Governour

Theodore Atkinson, Richd Wibird, Jn° Downing } Esqs. Sampson Sheaffe, Joseph Newmarch } Esqs

[p. 96.] His Excelency laid before the Board a letter he recd from Governour Shirley dated Boston 29th of May 1755 also an extract of a letter from Majr Genll Johnson to Gov. Shirley dated the 16th of May 1755—also two other extracts one from Majr Genll Johnson dated the 3d 16th of May the other out of a letter from Mr. Alexander dated the 18th May both to Governr Shirley. (1)

Also a list of particulars from Genll Johnson respecting several officers necessary to be appointed for the expedition to Crown Point. All which letters & paragraphs contained several articles relating to the Crown Point Expedition.

Then his Excelency asked the Council what they advise him to do with respect to the contents of the said letters & papers. Upon which the Council did advise That his Excelency sumon the Members of Assembly as soon as consistent with his Excelencys pleasure and that he would lay the several papers matters & things before them for their deliberation the most of which to carry into execution will require grants of money which cannot be made but in conjunction with the Assembly.

His Excelency ordered that sumons imediately issue to the several members to meet at Portsm° on Monday the 9th of June at 10 o'clock before noon.

At a Council holden at Portsm° by his Excelencys sumons on Tuesday the 6th day of August 1755

Present

[p. 97.] His Excelency the Governour.

Theodore Atkinson, Richard Wibird } Esqs Jn° Downing, Daniel Warner } Esqs.

His Excelency laid before the Board several letters giving an acct of the defeat of his Majties Troops under the command of General Braddock & also letters from Leut Governour Delancy & Leut Governr Phips on that affair wherein is mentioned wether twill not be expedient for the several provinces to raise a larger number of men &c as a reinforcement to Genll Johnson—And asked his Majties Council what steps they advised him to take in and about the Premises—to which the Council answered that as

(1) See said letters in Journal of the House.—Ed.

his Excelency had not received an acc^{t} of any particular steps lately taken by the other Governments in these affairs they could not advise his Excelency at present to attempt the raising of any more men than what is already employed in the expedition to Crown Point our numbers there already vastly exceeding the proportion this Province in reason ought to raise and therefore advised his Excelency to wait the result of the other Governments deliberations.

At a Council holden at Portsmouth by his Excelencys sumons on Fryday August the 8th 1755—

Present—
His Excelency the Govr.

Theodore Atkinson	Esqrs	Sampson Sheaffe	Esqrs.
Richd Wibird		Danl Warner	
John Downing		Joseph Newmarch	

His Excelency laid before the Board sundry letters enclosed him by Coll Blanchard viz—one from Maj^{r} Bellows of Walpole one from Coll Hinsdale & sundry persons of Hinsdale & one signed [p. 98] by several inhabitants of Charlestown setting forth the difficulties the people in those parts were in by reason of the dayly incursions of the Indians killing & captivating &^{c} killing their cattle &^{c} and then acquainted that he had ordered 40 of the seventy men granted the last sessions to the support of Connecticut and then asked the Council what they would advise him to do in the present emergency—The Council took the same under consideration and advised his Excelency to raise twenty five men & order them to joyn those he had already posted on Connecticut river in order to assist the settlers in that part from Charlestown to the Province Line.

At a Council holden by his Excelencys sumons at Portsm^{o} May 20th 1756.

Present
His Excelency the Governour.

Theod^{r} Atkinson	Esqrs	Sampson Sheaffe	Esqrs.
Richd Wibird		Daniel Warner	
Jno Downing		Joseph Newmarch	
Sam^{il} Solley			

His Excelency laid before the Board a letter from Sec^{ry} Willard by order of the Lieut Governour of the Mass^{s} dated the 18th Inst enclosing the interogation of one Thomas Rowe taken at Boston the 18th Inst touching a French fleet of men-of-War—being on

the Grand Bank—that the declarent was hailed by a 74 gun ship who enquired of him what ships of War was at Boston & at Halifax &c. In the said letter was also enclosed an act passed in the Prov^{e} of the Mass^{a} Bay enabling the officers in the Crown Point [p. 99] expedition to hold regimental and Gen^{ll} Court Marshalls & directing a method for the same.

His Excelency then asked the Council what ye Council advise him to do with respect to Fort W^{m} & Mary wether they tho't it expedient to have an additional number of men posted there that in case any of the French Ships should make an attempt on this Province that said Fort might be in a posture to make resistance to which they did advise that his Excelency send ten men more than are already posted there and that his Excelency order the Treasurer to supply provisions for them—

His Excelency then acquainted the Board that the Treasurer by his orders had rec^{d} from the Controler of his Maj^{ties} ordnance stores at Boston—300 stand of arms the greatest part of which he proposes to use in the service of the Crown Point Expedition—And then asked what they would advise him to do with the remainder.

The Council advised that his Excelency order what should not be used in the Crown Point expedition should be lodged in Fort W^{m} & Mary for the use of that garrison till otherwise disposed of.

At a Council holden at Portsm^{o} by his Excelencys Sumons on Thursday June 17th 1756.

Present

His Excelency the Governour.

Theodore Atkinson	Esqs.	Sam^{ll} Solley	Esqs.
Richd Wibird		Dan^{ll} Warner	
Jno Downing		Joseph Newmarch	

[p. 100.] The Secry by his Excelencys order laid before the Board the following questions viz.

1. What measures the Council tho't would best answer the calling into one body the forces enlisted for the Crown Point service belonging to Coll Meserve's regiment that are not marched by reason of sickness or have deserted.

Answer. The Council advised to the Issuing a proclamation directing all such delinquents to appear in order to their being sent forward to the regiment.

2^{d} Q^{r}. Whether it would be most advisable to send such dilinquents by water or by land.

Ans—The Council recomend their going by water if any considerable number if but few by land.

[P. 101.] At a Council holden at Portsm° according to his Excelencys Sumons on Wednesday July 4th 1756.

Present.

His Excelency the Governour.

Theodore Atkinson	Esqs	Sampson Sheaffe	Esqs.
Jn° Downing		Danl Warner	
Saml Solley		Joseph Newmarch	

His Excelency laid before the Board a letter he recd from *Ines* Fox Secretary of State dated White Hall 17th 1756, acquainting his Excelency that his Majty had declared war against France & enclosed his Majties Declaration with his Majtys orders to proclaim the same within this Province which was accordingly done first in the Council Chamber & then in the main street the first regiment of foot being drawn up in the said street before the Council Chamber.

At a Council holden at Portsmouth by his Excelencys Sumons on Monday August the 30th 1756.

Present

His Excelency the Governour

Theodore Atkinson	Esqs	Danl Warner	Esqs
Jn° Downing		Joseph Newmarch	
Sampson Sheaffe			

His Excelency ordered the Secry to read a letter he received from his Lordship the Earle of Loudoun dated Albany the 20th of August 1756 giveing an account that he had received advice that his Majtys forts & garrison at Oswego togeather with the naval force & stores by a series of bad circumstances had fallen into the hands of the French & that he could with the number of forces he had left scarce hope to do more than resist the French power in that quarter and earnestly recomending the raising with all possible dispatch as many men as he could to succour the Provincials now on the Expedition to Crown Point and to assist with oxen & carriages &c as that Government could not furnish a sufficient quantity for the necessary transportation of stores & provisions &c. Then his Excelency asked the Council what they would advise to be don in relation to what his Lordship had demanded of him.

The Council after considering the subject matter of his Lordships said letter came to the following resolve (viz). Resolved that 'tis the opinion of this Board that his Excelency cause to be enlisted or impressed two companys of men each to consist of fifty but not to begin the levys till his Excelency had advised with the assembly in as much as the expense that will attend the said levys & transportation &c of the men when raised cannot be defrayed without they make provision therefore—

[P. 102] His Excelency ordered to be read at the Board a letter he recd from Governour Shirley dated Boston August the 28th 1756 giving an account of sundry French Nuterals passing thro' the Massachusetts into this Government in their passage as he feared to Nova Scotia & which he hoped his Excelency would endeavour to prevent. Which letter being read his Excelency asked the Council what they would advise him to do to prevent such French persons making their escape thro' this Province to Nova Scotia. To which they did advise that his Excelency issue orders to all officers civil & Military not to suffer any such French persons to enter this Government & if any should have got within the limits to apprehend them & send them imediately back to the place from whence they came and deliver them to some officer there. (1)

At a Council holden at Portsmo according to his Excelencys sumons on Sunday October the 3d 1756.

Present

His Excelency the Governour—

Theodr Atkinson, Richd Wibird, Jno Downing } Esqs

Sampson Sheaffe, Joseph Newmarch } Esqs

His Excelency laid before the Board sundry letters he received from the Camp at Lake George & Fort Edward from Genll Winslow & Coll Meserve &c dated the 20th September last with an acct of the scituation of the Provincial forces there also a copy of the proposals made by Lord Loudoun to the several agents to take what provisions & stores supply'd by the several Provinces & now remaining there his Lordship having engaged in said proposalls to [P. 103] receive & pay therefor &c. And as the agents for this Province have represented to his Lordship that these orders were to get the provisions &c up to Lake George but had no power to make any transfer thereof which representation of the agents were also laid before the Council with a state of the provisions &c.—Then his Excelency asked what orders the Council would advise him to give relative to the premises To which the Council gave their advice that his Excelency issue orders for delivering to Lord Loudoun's orders all such provisions as shall be now remaining at Albany as above.

His Excelency then acquainted the Board that he was informed by Coll Harte who arrived last night from the camp with despatches to him that tho' the New Hampshire regiment was in better health than many other regiments there, yet there was a number sick lame & wounded—and then asked what method they

(1) See Journal of the House.—Ed.

would advise him to take to get them to their respective habitations—

The Council considering the great distance & difficulty of travelling or transporting sick persons by land so late in the season—think it advisable that a suitable vessell be immediately sent to Albany to bring such invalids to this river—

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Province of New Hamp^{r} } At a Council holden at Portsm^{o} by his Excelency's Sumons, Jany 18th, 1757.

Present

His Excelency the Governour

Richd Wibird Daniel Warner

John Downing

[p. 104.] His Excelency laid before the Council his Majesty^{s} Comands signifyd to him by the R^{t} Honble the Lords Comisioners for Trade & Plantations in their letter dated White Hall, Octob^{r} 9th 1756, directing that an Embargo during his Maj^{tys} pleasure should be laid upon all vessells clearing out with provisions from any port of this Province—Then asked the Council what method they advised to take in rendring effectual his Maj^{tys} comands in the premises &^{c}. The Council advised that his Excelency pursue the directions signifyd to him in the Lords Comissioners for Trade and Plantations letter above said—which was accordingly don.

At a Council holden at Portsm^{o} by his Excelency's Sumons on Fryday March 11, 1757.

Present

His Excelency the Governour

Theodore Atkinson, Richd Wibird } Esqs Daniel Warner Esq.

His Excelency lade before the Board a letter he rec^{d} this morning dated Boston Feby 9th, 1757 from Lieut. Govern^{r} Phips inclosing a copy of a letter his Honor rec^{d} from his Excelency the Earle of Loudoun dated N. York March 2^{d} 1757, desireing an Embargo might be laid upon all vessells for the present in all his Maj^{tys} Governments, which letters being read at the Board together with a Proclam^{a} issued in the Province of the Massachusetts Bay for laying an Embargo in that Province His Excelency asked the Councils advice in the Premises, who advised to his Excelencys issuing a Proclamation in this Province laying an embargo on all vessells til further order and accordingly a proclamation issued.

[p. 105.] At a Council holden at Portsm° by his Excelency's Sumons on Tuesday August 8th 1757.

Present

His Excelency the Governour

Theodr Atkinson } Esqs
Richd Wibird } Esqs
Danll Warner Esq.

His Excelency laid before the Board a letter signed G— Christe A—D. Q. M—G. Capt in the 48th regiment commanding at Albany dated Albany August the 4th 1757, 12 o'clock, acquainting his Excelency that by letters he recd from Genl Webb from Fort Ed ward he apprehended the design of the enemy was against Fort Wm Henry and that on the third they were attack'd and the firing of cannon and small arms continued till near sunset when they ceased but the issue not known as all communication between the sd Fort and Fort Edward was cut off and desired all the govern ments would send all the force they could to their assistance—his Excelency also laid before the Board a letter recd from Govr Pow nell, dated Boston, August 7th 1757 acquainting his Excelency of the measures he proposed in lending assistance.

His Excelency adjourned til tomorrow 9 o'clock there not having been time to convene a suitable number of the Council. Accordingly the Council met at 9 o'clock, A. M.

Present.

His Excelency the Goverr

Theodore Atkinson } Esqs.
Richd Wibird } Esqs.
Sampson Sheaffe } Esqs.
Joseph Newmarch } Esqs
Daniel Warner } Esqs

[p. 106.] The Council again read the letters as laid before them yesterday and his Excelency demanded their advise thereon what assistance they tho't proper he should send to the assistance of the besieged.

The Council took the letters &c, under consideration and in as much as Fort Wm Henry being at the distance of near 350 miles from hence the Small Pox in almost every pass in the way the extream heat of the weather at this season the great numbers of men already in the service from this Province now under Lord Loudoun not only those in the pay of the Province but the most if not all the Raingers in four Companys, & a Compa of carpenters enlisted by Coll. Meserve that the Province is allmost drained of all the men suitable for such service in the woods, and if General Webb should march the men now posted at Charlestown and thereabout to Fort Edward this Province would be entirely exposed to the incursions of the enemy and the frontiers very naked and defenceless and at the same time as near Crown Point as Fort Wm Henry is to the city of Albany, with this difference that between the frontiers of this Province and Crown Point there is

nothing to make a stand against the enemy and therefore are of oppinion under the present circumstances they cannot think it for his Majestys service to advise his Excelency to march any men to such a distance—But think it advisable that his Excelency give the necessary order for two hundred men either horse or foot as his Excelency may think proper to hold themselves in readiness to march at the shortest notice to the relief of any place that may be attacked on any of the frontiers of this or the adjoyning Province.

[P. 107.] His Excelency then acquainted the Council that he tho't it necessary to pull down the South West bastion of Fort William & Mary at New Castle it being much shaken and is falling down and that he proposed in rebuilding it to make the bastion something larger and also some parts of the wall between the s^d^ bastion & gateway and asked the Council weither they would advise to the laying the stone work in lime mortar to which they did advise.

At a Council holden at Portsm^o^ by his Excelencys Sumons on Fryday August 26, 1757.

Present

His Excelency the Govern^r^

Theodore Atkinson, Richd Wibird } Esqs — Saml Solley, Dan^ll^ Warner } Esqs.

His Excelency laid before the Board a letter he rec^d^ from Lord Loudoun dated on board the Winchelsey at Sea the 18th of August 1757 acquainting his Excelency that he had rec^d^ advice of the surrender of his Maj^ties^ Garrison at Fort Wm Henry and that he hoped his Excelency would lend his whole force to oppose any further progress of the enemy in case they should make any further advances acquainting that his Lordship was then on his passage to New York to give his aid in driving back the enemy.

His Excellency also laid before the Board Governour Pownalls letter of the 25th of August 1757 from Boston acquainting him that he had rec^d^ despatches from Lord Londoun on his passage to New York and that his Lordship depended upon the Assistance of all his Maj^tys^ Governments in such measures as might be taken in carreying on an offensive warr &^c^. and proposed his Excellency should supply his Lordship a number of carts & quantitys of fodder for cattle and send them forward to Albany, &^c^. (1) His Excellency [P. 108] the Govern^r^ then asked the Council what they would advise him to do in relation to these affairs.

The Council took the same under consideration and came to the following resolution—To advise his Excellency that they tho't 'tis impossible to collect any quantity of fodder in this Province, the

(1) The letters above referred to cannot now be found.—ED.

drought being so severe that there is not more than half a usual crop and that transporting of ox carts to Albany is scarce practicable by reason of the great distance & impassable roads in the way and therefore advised his Excellency to wait Lord Loudouns further advice before he makes any preparations of that sorte.

At a Council holden at Portsm° by his Excellency's Sumons on Fryday December 23d 1757.

Present

His Excellency the Governour

Theodore Atkinson Richd Wibird Sampson Sheaffe	Esqs.	Danll Warner Joseph Newmarch	Esqs.

His Excellency laid before the Board a letter he recd from Capt. John Dunkley Comander of his Majtys ship Enterprise of this days date acquainting his Excellency that a mob consisting of two hundred men or more had seized the long boat belonging to his Majtys said ship and had drawn her into the country &c. acquainting his Excellency that under these circumstances he could not think himself safe here, and that therefore he proposed to carry his ship to Boston, &c and tho't it his duty to acquaint his Excellency of it and to desire to know how he should come by his boat again &c. Which being read his Excellency asked the Council what they advised him to do in the premises.

[p.109] The Council taking the said affairs under consideration and to show their abhorrence of this act of violence a crime so destructive to Society in general which in its consequences tends to the subversion of all authority and good order of this Government, come to the following resolves, viz. 1. That his Excellency be advised to give his orders to the High Sherriff to cause the said boat to be imediately carryed to a boat building yard and there thro'ly repar'd with all possible expedition. That she may be deliver'd in as good order to Capt. Dunkley with her tackle and apparell as she was when taken out of his possession.

2dly That his Excellency give his orders to the civil officers for apprehending such of the said rioters as may be discovered especially the beginners or first promoters of the sd riot in order to their being delt with as to law and justice doth appertain.

CORRESPONDENCE,

Showing a Conspiracy for the removal of Governor Benning Wentworth from office.

[Copied from original letters in the Archives of the N. H. Hist. Society.]

NOTE BY THE EDITOR.

The administration of Governor Benning Wentworth was greatly embarrassed from 1747 to 1750, by a powerful opposition arrayed against him both among members of the House of Representatives, and some of his Majesty's Council. The following letters between RICHARD WALDRON Esq., Col. ISAAC ROYAL, and others, will fully explain the origin, progress and *failure* of a plot to displace the Governor from office. The correspondence implicates Gov. Jonathan Belcher, as at least countenancing the movement; it also illustrates the character of some of the leading men of that period, and is very important to be read and understood, as explanatory, in part, of the singular proceedings of the legislative body, as recorded in the *Journal of the House*—1748-1750. The letters here published, are only a part of the correspondence relative to the same matter. They are numbered for the sake of reference.—ED.

(No. 1.)

From Hon. Richard Waldron (1) *to Gov. Belcher.*

May it please yor Ex.

(My most dear and Hon^d Friend)

If I go over the line, or keep not a due distance, in ye manner of my address, let my affection be an Excuse, and let your Goodness forgive the Trouble this Time, and I promise that in future I'll transgress no more in ye like kind.

I am now sit down to a difficult Task, being elated with Joy, and depress'd with Grief at the Same Instant, my Joy arising from your Happiness, and my sorrow from the distant situation I am in from ye place des-

(1) This Richard Waldron, was son of Col. Richard, former Secretary of the Province, and grandson of Major Richard, who was massacred by the Indians at Dover, 1689. Adams, in Ann. of Portsmouth, says, "On his maternal line he was the grandson of Major William Vaughan; so that he was descended from two of the earliest and most respectable inhabitants of New Hampshire." He was born in 1694, graduated at Harvard College, 1712, appointed Councillor 1732, and afterward Secretary of the Province, by Gov. Belcher. But in 1742 he was suspended from office by Gov. Benning Wentworth. This gave rise to, or rather confirmed the alienation between the Governor and Secretary Waldron, and hence, probably, the plot on the part of the latter to remove the Governor from office. In 1749, Mr. Waldron was chosen to represent the town of Hampton in the House of Representatives, and was elected Speaker. Gov. Wentworth negatived the choice; the House adhered; and hence arose a conflict and embarrassments which are fully disclosed in the Journals of the House, and of the Council and Assembly. Mr. Waldron died 23d August 1753, aged 60.—ED.

tined for your residence. (1) How then shall I express myself when Joy and Sorrow are jarring in my mind, And what shall I say, while a Tumult of passions prevails in my Breast; and yet, how can I restrain my Pen to a more convenient season which perhaps may never arrive. When yor Ex. first projected your voyage at Boston, I rejoye'd, when y^{o} embark'd I fear'd, when y^{o} arrived in England I exulted, while y^{o} remain'd successless I mourn'd; when y^{o} pervail'd my Joys were renew'd, and when you were returning, my fears again took place lest ye Dang^{rs} of the Sea and ye Perils of War, should cut short yor hopes and shut up ye scene before y^{o} had reap'd any Fruits of yor Hazard and Toil: Thus Sr. has my mind been agitated from your first setting out till the blessed news of yor happy arriv^{l} at yor Government. I wrote yor Ex. a Line or two when I first heard you were on ye Sea and drawing near yor Port, and now again renew my congratulations on ye Event of yor Voyage. I also take this opportunity to recognize my obligations to yor Ex. for yor many past Favours, and to return my unfeigned Thanks for them. As I have formerly been admitted to great Freedom, and indulged perhaps with greater Degrees of Intimacy than some other of your Friends, I flatter myself yor Ex. wont be displeased, if I suggest a Hint or two concerning myself and my own affairs, and on y^{t} presumption take leave to say—My Living is retir'd, which has its Ease; and I can't call it unhappy, as ye less I am busy'd at *many things*, the greater is the opportunity for minding y^{e} *one thing needful.* I go seldom to Town and am visited but by a few select Friends: I enjoy a competent measure of Health, tho' it has been sometimes interrupted by Cholic Fits of several Days duration. My spouse remains in Statu quo save such alteration as the addition of 5 or 6 y^{rs} to her age has made, excepting also an abatem^{t} of y^{t} Vivacity with which she us'd to be spirited once or twice a year by ye visits of Govr Belcher, which are now no more. My eldest Son left me ab^{t} 2 y^{rs} agoe, to seek his fortune abroad, nothing at home offering to his mind, and him I have not heard of since, but under such circumstances as give reason to believe, y^{t} ye vessel in which he went, with ye whole Company perish'd in ye Deep. This is a gloomy Dispensation, but it is ye L^{d} y^{t} hath done it, and who dares say unto him, whose Counsels are uncontrollable and whose Power is irresistable. Why hath thou done thus? My second son who was at Cape Breton and behav'd well, and return'd with a good character, having lost all hope of Promotion in ye army is now at Cocheco, managing my affairs there: hence I cannot forbeare mentioning ye persevering malice of our Govr in an instance or two of his Treatment to him: When we were under the greatest apprehension of Dang^{r} from ye Ind^{ns} he apply'd for a warr^{t} to enlist a Comp^{a} of Volunteers upon a bounty Act for scalps wth out wages or subsistance; he had a dilatory answ^{r} was ordered to attend 3 or 4 days after, and he did so, but then was deny'd admittance; the other Instance is, when there was Instruction from home for levying soldiers for a Canada Expedition, he again apply'd for beating ord^{rs}, and tho' one of ye first in ye application, was one of ye last y^{t} had them, and then was limited to one regim^{t} y^{t} had been first pick'd, while all ye rest y^{t} had ord^{rs} (and some of y^{m} ye very refuse of ye Earth) were permitted to beat through ye whole Province, which has now 6 regim^{ts} in it: This ungent'm and cruel Partiality, with sundry circumstances attending it, convincing him that he was to expect no comision, whatever his success might be in getting men, and that they w'd be turn'd over to Diegos Dupes (2) he made no use of it but return'd

(1) About this time Mr. Belcher, formerly Governor of Massachusetts and New Hampshire, was appointed Governor of New Jersey, and resided at Elizabeth Town, N. J.—Ed.

(2) "Diego" seems to be one of the epithets applied to Gov. Wentworth, in allusion to his having been in the Spanish Trade before he received his Commission as Governor.—Ed.

it wth out enlisting a man, tho' he had many y^{t} offered. These are morsels hard of Digestion, but I am oblig'd to swallow y^{m}. I say not these things in a way of Complaint, as it is out of y^{e} Exc$^{'s}$ Province and pow^{r} to grant me redress, but onely, as a short specimen of my own story wch I tho't w^{d} not be disagreeable to yor curiosity, if I remain worthy of yor Exc^{s} remembr^{ce},

I don't mention any Particulars of our wretched Adm^{n} bec: it would be tedious, and to no Purpose but to surprise y^{o} with unparallel'd Instances of Folly and Iniquity; indeed the lamentable condition we are in cannot be describ'd, nor known, but by those who feel it. The aptest similitude y^{t} I can think of to represent our case by, is that of a Field of Battle after ye fight is ended; the common People being compar'd to ye carcasses, and those who are ye Chief in Power, to the Vultures and ravens glutting on ye Carnage. If yor Excel. sh'd find a leisure minute and condescend to honor me wth a line, I shall be much oblig'd. If I might have a word of Huske's conduct in Engl^{d}, if y^{o} know any thing of it, but more especially of what my Kinsman Vaughan was pursuing, and whether it was likely y^{t} he w^{d} have obtain'd any thing, if he had tri'd. Wth the highest Esteem and greatest regard, I am S^{r}.

Yo^{r} Ex^{s} most obe^{t}, most obliged, and most devoted hum. serv^{t}

R. W.

Port: 7^{br} 24, 1747.

Mrs. Waldron presents her best regards.

NOTE.—Sec y Waldron's letters are written in a very close hand, often on scraps of paper, and appear to be first draughts of those sent to Gov'r Belcher and other correspondents.—ED.

(No. 2.)

From Col. Isaac Royal (1) *to Richard Waldron Esq.*

Charlestown, [Mass.] March 7th, 1748.

Sir—

A few Days ago Mr. Foye Delivered me your kind & friendly Letter. I am much obliged to you for the good opinion you Entertain of me, & for the many kind Expressions of y^{r} friendship & Assurances of your utmost Endeavors to promote & bring to Effect the Skeem lately proposed to me by your worthy & ingenious Son in Conjunction with our mutual friend Mr. Foye. (2) A Skeem altogether new and unthought of by me,

(1) Col. ISAAC ROYAL, of Charlestown, Ms., but afterwards set off to Medford, was a son of Col. Isaac Royall, of the same place, and a descendant of the fourth generation, of William Royall, of Casco, Me. 1636, and who was sent over to Gov. Endicott of Salem, Ms. 1629, as "a cleaver of timber." Col. Isaac was born in Antigua, where his father resided about 40 years. He was a gentlemen of large wealth and distinction. In Brooks' history of Medford, (Boston, 1855) pp. 538-539, is a Register of the Royall Family; and on pp. 170-181, is an interesting sketch of the Colonel. He resided in a splendid mansion built by his father, in Medford, (at first within the limits of Charlestown,) was representative from Charlestown to the General Court of Massachusetts, nine years in succession, from 1743 to 1752. In 1752 was promoted to a seat in the Council Board. At the time of the Revolution, he was a proscribed refugee, and his estate was confiscated in 1778. He died of small-pox in England, 1781. Mr. Brooks says he was a timid man, but of great liberality; "his bounty laid the first professorship of Law at Cambridge. He bequeathed more than 2000 acres of land in Granby and Royalton, Ms., for that purpose. He left a legacy of plate to the first church in Medford, made bequests to Medford and Worcester, and legacies to the clergymen. While a member of the House of Representatives, he presented a chandelier which adorns its halls." His daughter Elizabeth married Sir William Pepperill of Kittery, Me.—ED.

(2) Mr. Foye was a kinsman of Richard Waldron.—ED.

but doubtless y^r Son as well as Mr. Foye has acquainted you with the many Difficultys that lay upon my mind. I assure you Sir it was with great Reluctance that I was brought first to lissen to it in ye least, as not thinking myself capable of filling so important a place, but the assurance your Son & Mr. Foye gave me of your advice & assistance from time to time with ye hopes & prospect of Relieving a Distressed people from their many Burdens are the Greatest Inducements to me, to *Except* of ye Place (could I obtain ye same with Hon^r) which I am the more Encouraged by your Letter to think it will not be so great a Difficulty to Remove that Gentleman that is now at ye head of y^r affairs as I at first Imagin'd, Since you assure me of the many heavy Complaints against the Gentleman which can be well supported, and since Mr. Foye has assured me that a great Number of Gentlemen among you that are lovers of Liberty & friends to their Country as well as to maintain the privileges of Trew Loyall Englishmen, were Determined to Remove that Gentleman wheather I accept^ed of it or not, therefore was it not Represented to me in this light I should think it very Dishonourable to make ye least attempt towards it, but as ye way seemes clear & you having assured me of its being Quite agreeable to you & that I should not want for your best assistance I will therefore as soon as you think it adviseable write to my Friend Slingsby Bethell Esq. who I am well assured will use his utmost Endeavors to serve me in this affair (& who is now a member of Parliment for ye City of London) I am senceable it will be attended with considerable charge to have it effected. I am Determined to go as far if needful as five hundred pounds sterling towards procureing ye same, & apprehend that if it can be effected that will be sufficient, neither should I choose to putt myself to greater Expence though I were sure of obtaining it. As my undertaking the affair is not so much to serve myself as ye people of y^r Province, whome I should Endeavour if it should be effected, in my administration to Render them as easy & happy as is posable in my power & that it shall be Intirely their own faults if it be other ways.

I am senceable should it be effected I must leave a large Estate in this province as well as a Beautiful situation which I have lay'd out a great Deal of money on to make it commodious and as convenient as is possible to render life easy & agreeable so far as ye things of this world are capable of. I am not actuated from ye views of adding to my Estate, nor by only getting to myself a feather in my cap, but I trust from more Laudible & generous principles, viz: of gratitude to my Maker for his many Benefitts bestow'd upon me & a desire of being as serviceable to my fellow men as is possible.

You Desier this affair may be kept a Secret. You may depend upon it that on my part it shall be so, for I look upon secresy as the greatest step to succeed in this affair: I assure you Sir I have not Devoulg'd it to any even to my wife: I find by y^rs y^t you have not by reason of ye great snowes been able to communicate it to any of y^r friends, & I doubt not Sir you will take that care to communicate it to those only who are Persons you are sure can be Rely'd on, & Doubt not of your utmost Endeavours to serve me in this affair which should I obtain you may Depend upon it no thing in my power shall be wanting (that is worthy of your acceptance) to promote & searve yourself Family or Friends to the utmost.

I Doubt not but you & y^r Friends will in procureing the Papers from the Secretary's office with the Proper Certificates Due it in as prudent a manner as it is possible, least should ye affair be surmised it may be a Damige. I should be glad it may never be known that I am ye Person for whome ye attempt is to be made, untill the affair be fully accomplished in England. Mr. Foye thinks it will be best & most proper for you Gentlemen that are for just Reasons Disaffected to ye Gov^rs past conduct to joyne together & choose Mr. Partridge (Govr Belcher Br in Law) for y^r

agent to solicit this affair, who is a Gentleman of considerable influence at home and who would be likely with proper applications and presenting your complaints to succeed in getting yt Govr Removed, & when that is Effected, my Friend Mr. Bethell may stand ready to aske the favour of the Place for me. As I was willing to lett you know my mind as full as possible which has occationed this Epistle to be longer then I at first Designed. I would therefore after asking pardon for intruding so much on yr Time & patience conclude with all Due Respects to your self & Lady, Sir,

Your most Humble Servt

ISAAC ROYALL.

P. S. My regards to yr Son whom I shall if possible write to by this Conveyance & shall be glad to be favoured with a particular Answer to this Letter.

Since the foregoing letters Mr. Foye communicated his letter to me yr Letter you wrote him of the 4 of March & I shall when you think best send ye hundred pound old Tenr for copys &c.

To the Honble Richard Waldron, Esqr.

(No. 3.)

From Mr. Waldron to Isaac Royall.

Sir—

I have yor favor of ye 7 currt and have duly consider'd the full contents of it: I am much pleased with yor Resolution, and the Motives and Inducemts to it and shall heartily contribute my best Endeavours to bring so good a design to a happy Issue. I shall consult our Friends on what you mention (from Mr. Foye) touching Mr. Partridge, and you may depend shall take every step that looks most likely to forward and promote the agreeable scheme and to Crown it with success; I have not been idle since I last wrote you, but have been gathering together some materials for a complaint, and have begun to Form one, but as the principal vouchers are to be had from the Secretary's office it cannot be compleated till I am furnish'd with copys from thence which I purpose to have soon demanded, and by the next Post hope shall be able to inform you how we are like to succeed there, and sha l from Time to Time keep you advised of our Proceedings, till the Part that is to be perform'd here is bro't to a Head. I am of opinion that it will be best to acquaint your Friend in London with the Design by the first ship, and remember him of it by every after opportunity, till we are ready to forward the Complt that he may have the longer space for making Friends and preparing the way for its welcome and effectual reception. As secrecy is one of the Poles on which great actions generally turn, I am glad we are agreed in opinion on yt point, however I am afraid it will be necessary to mention yor name to some, and in yt case I must desire yor consent for it especially to such as I understand are yor particular Friends and acquaintance. As to what yo mention in yr letter to my son touching Govr Belcher and Colo Vassal you may depend I will be seasonable in my request to the former, and in regard to ye latter I suppose his mis-carriage was principally owing to a feeble mind, the want of proper Address and application to business, and ye giving himself up to Pleasure. He wrote me from London, that he shd have made an easy conquest if he had had but the shadow of a complaint, for Mr. W——th had no interest at Court worth naming, nor any Friend save Capt. Tomlinson, but that the Ministers, when yy

made a removal chose to have some color or Pretence for it, tho' it was ever so insignificant.

I am obliged to you for the handsome mention you made of my son, thank you for the Intimation of your readiness to oblige me, my Family and Friends in case of success, and am with proper regards

Sr your most humble servt.

P. S. The money for wch you mention in a Postscript may come when yo please ye Desposal of which yo may depend upon having an exact accompt of.

Indorsed—"Copy to Mr. Royall, March 11, 1747."

(No. 4.)

From Col. Royall to Richard Waldron, Esq.

Charlestown, March 21st 1747-8.

Sir

I Received yr agreeable favour of the 11th Instant and am much oblig'd to you for the same & for your Repeated Assurances of your utmost Endeavours to promote and bring to effect yr scheme now on foot. and as secrecy is a grand Ingredient in this affair, I should think it advisable that it be not known that any attempts is making towards ye Removal of ye Governor or so much as ye least hint, no further than what is necessary for ye gitting the propper Certificatts and other papers that is needfoly from the several offices, much less can I think it advisable that my name should be mentioned to any at least at present, for fear of some Barrs being laid in the way, which may Deter if not Totally defeat the thing, otherwise I should cheerfully grattifye you in consenting to ye Request in that Respect, We may very often take those to be our friend who are friends to ye opposite party & so blow us in our Designs : I think it will be Enough Sir to mention it to yr friends or those you can Rely on : that ye place to be obtained is for a gentleman of Fortune who seeks it not from any misonary or selfish veiwes but from a Principle of Regard to Render himself as serviceable as possible which are ye Trew motives & Real sentiments of my heart at this time, and hope it ever will continue to be such. I observe by yrs that you have geathered togeather meterials and have begun to form your complaints only wate for some of the Principle vouchers from ye Secretary's office to compleat ye same which Doubtless by this time you have obtained, and shall be glad to know of yr success, agreable to yr assurance by ye Return of the Post, & of yr proceedings from time to time, and should be obliged to you when you have got your complaint Ready, with the Vouchers to send home you'd be so good as to favour me with a sight of it befor it goes ; agreable to your Desire I have this Day wrote to my Friend Slingsby Bethell, Esq. acquainting him of the affair, & to ask his assistance, which I Doubt not of as far as lays in his power. I am glad that it seems agreeable to you the proposal of Mr. Foye & myself Respecting Mr. Partrige, and beg that as speedy an application as is possible in ye affair may be made to him by yrself and the gentlemen who are heartily engaged with you in *in* this affair, & I am obliged to you for ye assureance of yr speedy application to Govr. Belcher and doubt not as he has so great a Regard for you yr application to him will be of considerable Influence & weight with him to procure Letters of Recommendation from him to his Br Parterige & others that may be servicable in ye affair. I observe what you mention Respect- Colo Vassall & shall Endeavor to shon those things that you mention

prove his miscarrage, I observe what he wrote you when in England that he should have had an easy conquest in ye obtaining the place if he had had the least shaddow of Complaint which I am much surprised at as I had binn Informed that you & others had furnished him with sufficient meterials well vouch'd, and I am surprised that ever he should go so many hundred leagues to obtain a place without carrying sufficient meterials to Remove all the obstructions in his way. As to what you mention in y^r Postscript it shall be sent you in a very short time, haveing not to add at present, I remain with all Due Respects to y^rself & lady, Sir

Your most Humble serv^t.

ISAAC ROYALL.

To Richard Waldron, Esq.

(No. 5.)

From Mr. Waldron to Col. Royall.

Sir—

On Wednesday last I rec^d: y^r Favour of ye 21 March ten days after Date of it, and take Notice of all you say and you may depend (as I have said before) shall take all the best methods I am capable of to stear clear of Difficulties, & carry the affair into such a channel, where tis likely we may meet with the least obstruction; but I esteem it quite necessary that the matter should rest a little while, for reasons I wrote last week to Mr. Foye, to which must pray you to be referr'd, as also to my son who set out this morn on a Journey southward intending to make it in his way without fail to wait on you before his return in ord^r to give you an account how matters stand, & show you the necessity of mentioning your name, for there are two Persons already guess^d at (which I should never have dreamt of) whom our Friends don't relish, I am glad you have wrote to Mr. Bethell and hope you'l forward a duplicate by ye next conveyance and y^t our not proceeding so fast as we intended will be no discouragem^t to you, but rather double y^r vigour, as the delay is purely to fortify ourselves the better for the Design. As to Col. Vassal whatever y^r tho'ts were, I can assure you, he carry'd not a Scrip from this Province, for I was the principal Person in his confidence, but relyed wholly upon driving his Design thorough by the Dint of his money, which I am almost ready to think he might have accomplish'd had he not taken another Turn, and spent it in Pleasures: I am credibly inform'd he intended a second attempt this summer, but he is now no more. I hope by ye next Post to write to Govr Belcher, but we can't well write to Mr. Partridge till the complaint is ready, for we must have y^t & ye letter signed together.

I had a conversation 3 Days agoe wth Mr. H. Sherburn to whom I could not avoid mentioning yor name upon his promise ot secrecy; he told me he was well acquainted with you, gave me an agreeable character of you and said he lik'd you well, but withall gave his opinion that 'twas best to wait a little, before a Demand was made at ye Secretary's office, to see how some matters now on the carpet would turn out.

Indorsed—"Copy to Mr. Royall April 1, 1748."

(No. 6.)

From Col. Royall to Richd Waldron Esq.

Charlestown, April 11th, 1748.

Sir—

Your favour of the first of this Instant I Rec^d this Day sen' night ; the contents of which I have Duely observ'd, as also the letter which you Refer me to of Mr. Foye, and I think you Judge quite Right in not proceeding in the affair any further at present, inasmuch as I perceive by yours there are matters of great consequence Depending now in your Province, which have given great uneasiness to many, Even to friends of the gentleman you mentioned as also your Assembly being now so near their Disolution & a new one call'd in their stead, all which things Doubtless will prove great helps towards effecting our scheme ; and I assure you, Sir, the Delay in this affair gives me no uneasiness, especially in as much as by it we shall be furnished with meterials to make the more vigorous push ; I see by yours that you communicated the scheme to Mr. Sherburn and am glad to find that he approves of ye same, & that he so heartily Joynes with you in the affair, & I much approve of bouth his and your sentiments in the Respect of the Delay at present, and should be very glad to be favour'd with a line from him.

As I had the favour of a visett from your son at which time we conversed very freely upon those affairs and as I doubt not but he has communicated the conversation which pass'd between us to you, so it would be needless for me to Enlarge on it. Leaving all matters to your wise and prudent management, I remain with all Due Respects to your self, Family & Friends,

Sir, your most Humble serv^t.

Isaac Royall.

To the Hon'ble Richard Waldron Esq.
In Portsmouth, New Hampshire.

(No. 7.)

From Mr. Waldron to Govr. Belcher.

May it please yor Ex^y.

I rec^d y^r Favour of ye 7 of October last, a month and four Days after ye date of it and was about to acknowledge the rec^t of it immediately, but upon an apprehension that I might have something more to say in a little time, than a bare owning its coming to my hands, I have hitherto postponed it, and now, S^r, give me leave to say that I rec^d ye Favour wth such a greatful sense of yor Exc^ys kind remembrance of me, that Time itself will be scarce able to erase the agreeable Impression it made on my mind.

I acknowledge I did not write yor Exc. during ye term you mention, and ye only reason was bec: it c'd be of no service to you; and as to myself, I had nothing to ask of ye Court as I had neither Gold or Silver to enforce a request, without which I am sensible no Favours are to be obtained in ye regions where Mammon reigns.

The satisfaction yor Exc. has from a royal Justification of yor past conduct, yor being resettled in a pleasant and fruitfull country, among a kind & respectfull People and situated on ye Banks of ye American Euphrates, with yor other fine accommodations, are all very desirable circumstances; and to what Pitch of contentment can't your Ex^ys Wisdom and Piety heighten them, tho' the Salary and Perquisites are not such as

perhaps were expected and might be reasonably wish'd for; and as to the want of Conversation, might not that Defect be in some measure repair'd, by a Lady from Boston, N. York, Philadelphia, if none in ye Jerseys to your Taste; and can it be, that a Gentlewomen of suitable age & fortune who w'd be one spirit as well as one Flesh with you could fail to sweeten the remains of life. The religious remark yor Exc^y makes on ye length of ye shadows, ye Decline of yor Sun, and low remaining sands, is a good Instruction to me (and perhaps was so intended) which I hope I shall properly apply and that it wont prove a fruitless Lesson.

What your Exc. says of renewing our Correspondence and yor kind mention of my Family, with yor wishes for our prosperity, I esteem as a renewed mark of your goodness to me & mine. I have but 2 sons left out of 8 children, viz. Thomas, who has pitched his tent at Cocheho for ye present, and George who yet remains with me. It is a wretched acc^t we have of one of our Feather Hunters, one of which is not, having drop'd his plumes, and being gather'd to ye Congregation of ye Dead, and ye other says his Bro^r was gone from London before his arrival, for wch reason he did not see him. The Don was in bitter agonies till Rodomontado's return, and this leads to the main thing I have to offer, namely—y^t ab^t 6 weeks agoe my son being at Charlestown was introduced by Mr. Foye to Mr. Royall, where hey soon fell into a political conversation particularly on ye Governm^t of N. H., in ye close Mr. R. agreed to advance 600£ Ster. to remove ye Don, (1) and gain his Chair, provided I should approve of ye scheme, & w'd lend a helping hand to furnish a proper complaint wch I heartily like, and am now doing my part that way. Several L'ttrs have passed between him and me on ye affair. My Son was again at Charlestown last week, & by w^t I learn from him & ye Gent^s own L'ttrs, together wth Mr. Foye's, I find he is quite steady, and even sanguine in ye Design, & it may be, when ye purse is once opened, the sum will be doubled, rather than ye attempt sh'd fail; he delights to display his riches and tis said will bleed freely when hon^r calls—he has already wrote to his correspond^t who is a Parl^t mem. from ye city of London, and desired him to be preparing the way, he intends to write to Adm^l Warren & Hawke, who are both of y^m his acquaintance & Friends. It is proposed, that the complaint go to Mr. Partridge as agent for ye subscribers, and y^t Mr. Royals friends stand ready to sollicit for him in case of success.

I understand Messrs Belcher (2) & Foye are full in the scheme, and have wrote or will soon write to yor Exc. upon it. Y^e Gent has urg'd me pressingly to engage yor Exc. Interest as far as 'tis in my power, which I do now humbly request, particularly y^t you'l be pleased to give us yor best Directions for our proceeding here wth such L'ttrs to yor Friends in England as may most tend to promote ye Design wch will greatly oblige me, altho' I have very little Inclination to interrupt my repose, wth ye Embarrasm^ts of Governm^t, heving found by 6 yrs Experience y^t ye sweets of retirem^t are too precious to be barter'd. for all the Toys N. H. can bestow, yet I own I am sollicitous to remove a creature y^t is both a Tyrant and an Ignoramus, more especially as I am convinced y^t it w'd be his delight (if in his power) to crush me and my family into atoms. I heartily wish prosperity to ye Prov. wch does not deserve *so much as that* from me; but to speak undisguised Truth, my principal stir is the promotion of my Son, and to give him ye chance of being a rising spoke in ye wheel of Governm^t, whose behaviour at Louisbourg and prudent conduct at home, have made him much ye favorite of ye people and equally ye hate of ye Don and his Dupes—an instance of wch we had a fortnight agoe at a gen^l Town meeting here, when ye Spanish party made their utmost efforts to gain a set of selectmen, who, maugre all y^r arts, had a great majority ag^st them,

(1) An epithet applied to Gov. Wentworth.—Ed.

(2) Probably refers to a brother and a son of Gov. Belcher.—Ed.

and my son had a considerable number of votes more y^n any other man—but I find I am running into a strain of vanity, which I must pray y^r Exc. to excuse, since I don't enlarge—With mine & Mrs. Waldron's highest Esteem and best regards, I am y^r Exc^ys most dutiful most obed^t & most obliged, hum. serv^t

R. W.

Port. Ap^l 15, 1748.

P. S. Y^e enclosed was written one Day before I rec^d yours of ye 7 8^or last, and was intended to go by that week's post, but upon ye rec^t of y^t Favour I tho't proper to suppress it especially till such time as I sh'd have further occas^n to write to yor Exc. And tho' I acknowledge it is now quite out of season yet as I found it lying by me, I have taken ye freedom to forw^d it.

I wrote yor Exc. ye 24 Sept. and sent it to Mr. Belcher praying his favour to forward it. I sh'd be glad to know whether it has reach'd yor hands.

I am as above

R. Waldron.

Same date

Indorsed—"Copy to Govr. Belcher
April 15, 1748."

(No. 8.)

From Mr. Waldron to Col. Royall.

Sir—

Yesterday I rec^d y^r Favour of ye 11th curr^t by the Post. I have but little to add to what have already said both to you & Mr. Foye. Providence seems to be giving a turn to our affairs quite to my wish The discontentment is increasing, and some of ye officers talk of going home to sollicit for a redress of their grievances, particularly one Maj^r Gilman who is cashiered. I hope all things will work together for good, and that we shall be able to make good Earnings out of ye Evils of ye present Day—for surely nothing could have happen'd more opportunely to favour our Design than what has been, and now is doing ; I shall communicate yor L'ttrs to Mr. Sherb^n and desire him to write you. My son who is at Cochecho gave me an acc^t of w^t pass'd at y^r house, and you may assure y^rself whatever is proper to be done in every respect as soon as ever it is a suitable time for action will not be neglected. With my complim^ts to yourself & Lady, I am, Sir, y^r most hum. serv^t

R. W.

April 22^d 1748.

I wrote lately to Govr Belcher last post, and earnestly requested his advice and Interest.

(No. 9.)

From Col. Royall to Mr. Waldron.

[Extract.]

Charlestown April 26th, 1748.

Sir—

"Yours of ye 22d of this Instant, I this day recd, by which I perceive that the affairs of ye Governmt seem to operate greatly towards forwarding our scheme & that there are several gentlm of the Military Order Ceaschaird and others reduced to a lower standing than what they ought to have been and that they are goeing home to have their grievances Redress'd; all which I apprehend must operate greatly to our advantage. I had an Intimation within a few days past as if Col. Richmond was going home to Try if (as a recompence for his galliant behavour at Cape Britton) he could gett your Governmt and by some Expressions which he drop't when in company with me Just before yr Court was Disolv'd I believe there is something in it; however I don't think it will be of any Desservis to us. I perceive by yrs you have not as yett seen Mr. Shirburn But that you Intended to very shortly. I should be very glad to be favour'd with a line from him. Mr. Foye and myself Did Design to have taken a ride ye way, but Believe we shant be able to accomplish it now, as I have affair of some importance coming on and Election being so nigh must adjourn it till afterwards."

Sir your most oblig'd and
Very humble Servt
ISAAC ROYALL.

To the Honble Richd Waldron, Esq.

(No. 10.)

From Mr. Waldron to Col. Royall.

Sr—

I recd yor Favour of ye 26th April which I could not answer at ye return of the Post, nor have I had any thing Material to offer since, nor indeed should I have troubled you now but on a Busyness which I think will operate well toward promoting the grand Design—it is to pray you to seal and forward the inclosed to admiral Warren through the hands of your friend, and to recommend the case of Mr. Sherburne to the Admiral if yo think proper, who has a personal knowledge of him. Mr. Shern intends home in the Fall, and if he goes wth a *live zeal?* will give a good Lift to wt we Intend.

The letter is sent open that you may see the contents, and what it incloses which has made the Don and his Dupes almost outrageous, and some of them tell Mr. Sherburn he is used only as a Cat's-paw to hurt the Govrs interest at home &c.

The Term of the Present Assembly is drawing to an End, the 4th of June compleating their 3 years which will be now soon at an End, I would fain hope we shall be able to make some advantage of the new choice, tho' I expect we shall have greater struggles than ever there were before, the Govr and Council having granted several new Townships, for no other purpose as I suppose but to augment the number of votes. I am now at Cochecho, so can't answer any Particulars of your last letter not having it with me. The inclosed papers were sent me this morn from Portsmo by Express which I pray may be forwarded by first conveyance ; being for-

warded they can't fail of being servicable to our Design. I expect I shall quickly have occasion to write you again & in the mean time shall be glad of a line at the Post's return.

I am, Sir, yor most obed' humble
serv^t.

Indorsed—"Copy to Mr. Royall
May 26, 1748."

(No. 11.)

From Coll. Royall to Mr. Waldron.

Charlestown June 17th 1748.

Sir—

I rec^d yor favour of the 26 of May with ye Pacquett Inclosed & as I apprehend it will be some service to ye proposed scheme agreable to yor Desier shall write the Admiral as well as Mr. Bethell in favour of Capt. Sherburn pr Capt. Fones & forward the Packett. I am glad to heare Capt. Sherburn Intends home himself because the affair by his being on ye spott is likely to be pusht with greater vigour. As you mention ye Don & his Dupes are upon ye high Ropes, I think it best & most likely to serve the affair, for my name to be kept an Intire Cecret because I am apprehensive it if should be known I am concerned there will be the greater opposition made against it, and it may be a very great Damage to me if we should not succeed. I am not very well or should write more largely on ye affairs, but as you say yor Assembly is now near being Dissolved and a new choice will speedily come on, I am of the opinion it would much promote the grand Design if you would accept of a seat in the lower house; however I hope yor Assembly will consist of such men as are agreable & will serve the publick Interest. If we should have occasion to forward any other papers pr Capt Fones please to send them timely & I will Inclose ye same. I should be glad to hear from my friend Mr. Henry Sherburn to whom please to give my servise. I desire to know whither you have heard from Govr Belcher on this affair.

I have not to add but that I shall be allways glad to hear from you as often as occasion Requires, and Remaine with all Due Regards to y^rself & Lady.

Sir, yor most Humble
serv^t

ISAAC ROYALL.

P. S. My servis to y^r son from whom a line would be Exceptable.

RICH^d WALDRON, Esqs.

(No. 12.)

From Mr. Waldron to Col. Royall.

Sr—

Yo^r Favour of ye 17th curr^t I have by ye post, am glad you Rec^d my Packet, and y^t you agree in opinion wth me, y^t it may be of some service to our Design, and am obliged in Capt. Sherburn's behalf, y^t you'l forward it by Fones, and write to ye Adm^l and Mr. Bethell in his behalf. You may depend I shall be cautious as to what y^o hint, in regard to the mention of

your name, tho' a Gentleman told me not long since he perceived there were some private steps taking towards ye removal of the Don, and sundry persons were guess'd at for ye intended succession, but s^d he guess'd Mr. Royall is the man, which was mere conjecture, for I am sure, that person never had ye least Intimation directly or indirectly of such a Design. Our Assem. was dissolved ye 4 curr^t wch was ye last day of their 3 years. No writ is yet issued for a new one, which is a matter of wonder in this time of war—it is that the Don is afraid to come to the Tryal, which is the reason of the omission, but I think it can't be long before he must come to it. I am not without Tho'ts (if I should be chosen) of taking a seat in ye Assem. purely for ye sake of advancing our Design; but how ye case may be, is at present an uncertainty. I am obliged for your offer of forwarding other Papers by Fones. I cannot tell why Mr. Sherburn has not wrote you, as I desired him several times, but I think I am sure it is not because he dislikes our scheme, for he has lent me the Journal of ye Assembly wch he kept himself, for his own satisfaction, that I might pick out of it what would serve towards a Complaint. I have no answer yet from Govr Belcher, but expect it weekly. My son has been near a month at Cochecho, and has been ill the major part of the Time, but you may be assured is as full in the scheme as ever, and more so perhaps than any other man, and leaves no stone unturned to make and strengthen a party in favour of it. I shall acquaint him wth w^t you say, and when he returns to Portsmo' I believe you may depend on a letter from him. I have been in an ill state of health of late and am not well now, wch must excuse me from anything further at present, than my complim^ts to your self and Lady, and saying that I am, Sir, your most humb^l. serv^t.

R. W.

Indorsed—"Answer to Mr. Royall
June 24, 1748."

(No. 13.)

Col. Royall to Mr. Waldron.

[Extract.]

Charlestown June 28th 1748.

Sir—

"I rec^d your of the 24th Instant pr Post & am glad to hear you are so much Disposed to accept of a seat in ye House upon your being chose. I can't but think it will be of singular service.

"I am obliged to you for ye assurances of secreting my name which I am still of ye mind will be best; as to that Gent^m you mention who guessed me to be ye person as it was nothing but mere conjecture, I beg the favour that he may not have ye least Intimation that might strengthen him in his suspicion but that you would use y^r Endeavours to put him off the scent.

"It is not a little surprising that writs for calling a new Assembly are not as yet Issued but I think tho' I don't very well know the circumstances of y^r Government that Fear and Danger should not prevent or hinder its being done, but believe this will be no Damage to our Scheme but of servis.

"And as the Don has a scheme on Foot doubtless to carry an End his own Designs so I doubt not you & others who have y^r Eyes open & are aware of it will Endeavour to Defeat him in all Destructive schemes and be Expeditious in bringing to perfection y^r own projections which may be of service to the whole Government.

"Govr Shirley has prorogued ye General Assembly to the 13th of September next in order to proceed on a Journey to Albany to Treat with the Six Nations of Indians but before their Prorogation he prevail'd so far as to get ye Court to send Commissioners with him who were to set out this day.

"A letter from Govr Shirley was wrote to y^r Govr. concerning the said Treaty. In answer to which Mr. Wentworth wrote (which was laid before our Assembly) that your Courte was Dissolved and it would be some time before a new one could be got together and therefore could not do any thing about it, but that he was well pleas'd that Govr Shirley was going in Person and made no doubt but that he should gitt ye Assembly when mett together into such measures as should be agreed upon and generously pay their proportion, or to that effect,—this to y^r self. As you say the Reason of Mr. Sherburne's omitting to write me is not out of Dislike to the scheme therefore I conclude it is hurry of business but hope it will not be long before he will let me have the pleasure of a Line.

"I Design shortly to write him and should have done it before but waited to hear from him. I perceive you have not yet heard from Govr Belcher which I a little wounder at and also that I have not heard from him tho' it is some months past since I wrote him a congratulatory Letter on his arrival at his Government however hope we shall both have an answer from him in a short time. You inform me y^t your Son has been at Cochecho for some time past and has been sick there which I am heartily sorry for. I doubt not but he will do every thing for ye advantage of the scheme and that he will leave no stone unturned to promote ye same, and that I shall hear from him on his return to Portsmouth. Should we succeed I shall always have a Greatefull sence of your kindness and Endeavour to make Due Returns to y^r self & Son and all other my Friends that shall promote & serve me in the affair.

"As my Friend the Rev^d Mr. Whitefield is now gone from Bermudos to London who is a very popular man no doubt some of the Grandes there are his Friends, and being about to answer a letter of his to me from Bermudos I have some tho'ts of communicating to him our design & Engage his Interest therein. he has a very high esteem and regard for Mr. Sherburn, I believe it would be of service if he also wrote him concerning the same, if it is agreeable to you, if not Desire you to let me know y^r sentiments thereon. I am well assured he will lay himself out to serve me to the utmost of his power."

"I remain, with my best respects to y^r self & Lady (& compliments to your son, &c.) Sir, your most obliged and very humble Servt.

ISAAC ROYALL."

Mr. Waldron.

(No. 14.)

Coll. Royall to Mr. Waldron.

Charlestown, July 18th 1748.

Sir—

I rec^d yours of the 1 & 8 of this Instant by ye Post and perceive you have at last heard from Govr Belcher who writes he sees no Remedy for ye oppress'd but a change, and that the Gent^n you mentioned is able (I suppose he means me & should be glad to know if so or not) but the sum proposed he thinks not sufficient. I should think five hundred pounds sterling which I have ordered to be advanced, if need be, is sufficient, and I think I mentioned it to yon in a former letter, but if that sum should not be enough I shall not be backward to go something further.

In yours of ye first July you mention Govr Belcher's mistaking ye Dates

of y^r Letters & so giving an answer contrary to Expectation and then Recite a paragraph from his Letter that he thought ye affair Dyed in Embryo & so needed no particular answer, but then what you mention directly after seems to look Discouraging as tho' he was not so hearty in the affair as you at first Expected, which I am sorry for. I suppose by ye affair being carreid thro' in case you should have an agreeable assembly without Foreign Assistance you mean without Govr Belcher's Assistance.

I am sorry he mistook what you wrote about, however as you have wrote him again & therein rectified ye mistake & give him a True state of ye case, I hope you will in a short time Receive an agreeable Answer.

I am surprised you have no precepts Issued for calling a new Assembly, pray is y^r Constitution such that the Govr may Defer it as long as he pleases—if so perhaps you won't have one this year.

As to what you mention about the Ill success political affairs meet with in ye hands of ye Cleargy &c, I am Intirely of y^r mind that is not best to have to great Dependance upon them in such affairs in Genearal, but however am well satisfied that I may with confidence Rely on Mr. Whitefield's Friendship in this affair, and as he is a popular man tho' he may not be Imediately acquainted with any of the ministry, yet he may be acquainted with Gent^n of sum Influence there who may be serviceable in this affair.

I am obliged to you for y^r care in delivering my letter to Mr. Sherburn. I have not as yet Rec^d an answer from him but when I do will acquaint you thereof as you Desier.

Our G——r has been waiting for the Packett from England above a fortnight spending the greatest part of his time at ye Castle as I have been informed, but is at last set out on his journey to meet the Indians. Doubtless the precariousness of the times occasioned his Tarrying so long to write his friends at home that he might strengthen his interest there, & apprehend he would not have gone till he had receiv'd Intelligence from home could he have well avoided it.

I have nothing new to acquaint you of but refer you to ye Independent Advertiser in which are some smart strokes upon our Don, which paper I suppose you take otherwise should have sent it to you.

I have not as yet answer'd ye letter Govr Belcher sent me and think to Defer answering ye same till such time as you hear from him again, by that time shall be better able to Determin whether it will be Best for me to mention ye scheme to him or not.

I have not to add but that I am with all Due regard—Sir—your most humble serv^t

ISAAC ROYALL.

P. S. Y^e Govr & his Friend Mr. Waldo is fallen out. My Complements to yor Son.

To Richd Waldron, Esq.

(No. 15.)

Mr. Waldron to Coll. Royall.

Sir—

I wrote you ye 15th. July, but whether any L'tt^r reach'd y^o I don't know. I rec^d yor Favour of ye 18 of ye same month by ye Post and had prepar'd an answ^r for his return, but being surprised wth some Hints on ye Post morning which threatened the overthrow of our Design, I tho't proper to stop it till I could get farther Intelligence, and by ye Information I have had there is no doubt with me, but that a powerful Interest is already secured for a Gentleman who has merit to plead as well as money to en-

force his request. I am under an obligation to keep his name a secret, as I am not to mention yours. However Justice obliges me to say thus much, lest you should run hood wink'd into a fruitless Expense. This is quite an unlucky Jobb in regard to our Scheme, but as you now know it you may the better judge what resolution to take, and may depend y^t as I first engaged in yor Interest, if you resolve to prosecute your Intention, you shall have all my Assistance, tho' the prospect of success be ever so small. I have said something to Mr. Foye on this affair, who will shew you his letter.

I shall be glad of a Line from you by the Post, and to know what Mr. Sherburn has said to you who has been at Boston, and I suppose visited you. I han't seen him since his return.

Indorsed—"Copy to Mr. Royall, August 5, 1748."

(No. 16.)

Col. Royall to Mr. Waldron.

Charlestown, August 12th, 1748.

Sir—

I Rec^d y^rs. of the 15 July but have been prevented Answering the same by Reason of a Boyl on my finger which has Troubled me much but is now better. I also Rec^d y^rs of the 5th Instant pr Post upon reading of which I found some things very shocking to me & stumbled me pretty much at first, but upon Recollecting of what had passed between us, and your repeated Resolutions to pursue ye proposed scheme, as well as ye good & great opinion I had entertain'd of y^r Integrity & stability made me think you could never go from a thing which y^o yourself had projected, after not only you but I had so deeply engaged therein here & at home.

You know Sir, it was with great Reluctance I at first determined to pursue ye scheme but having the greatest dependence upon yor Friendship & assistance which was a great Inducement to me. I ventured and was Determined to use my Indeavors to Releave ye Distress'd people of y^r Province to ye utmost of my power and now to see you at a stand & almost Ready to leave me has something of a discouraging aspect, but however as I am so far ingaged I can't with Honour go back, therefore am Determined to pursue.

I observe you Rec^d mine the 18th July & had prepared an answer, but being surprised with a hint that threatened ye overthrow of our design you thought proper to stop it &c. I should have been glad nothing had prevented it—as to the overthrow of the scheme tho' you are in no doubt there is a powerfull Interest made for some other Gent^n yet I can't think if you are determined to pursue the thing & continue still attached to my Interest we have any need to be Discouraged for I am Resolved to spare no pains &c. to obtain the thing and have already wrote to my Friends to Engage them and their Interest on my side according to your Desire and as I have in every step pursued your directions Respecting this affair. I still expect a helping hand from you. I have given you the greatest assurances that I would serve you to the utmost of my power which that you may see I am still hearty in I again Renew & do assure you that let the person you hint about be who he will if Sr William (1) himself I shall not be Disheartened but am determined as I am Engaged not to be so childish as to *give* out, but prosecute ye Design with ye utmost vigor and you may assure yourself no man can be more hearty to seek the welfare of your Government & the promotion & advantage of y^r self & family than

(1) See William Pepperill.

myself should I ever attain the thing. Mr. Foye was so good as to shew me y^rs to him & he appeared as greatly surprised at first at what you wrote as I could be.

I am oblige to you for the kind assurances you give at the close of y^r Letter to him that you shall continue to pursue the affair if I am determined to go on : I do assure you my Resolutions are still the same and I think the sooner a push is made the better. I am not for loosing any time, therefore I think it would be best for you to get Ready to send by ye next ship and to Inclose the proper complaints as soon as may be that I may forward the same and write home to all my friends to make a strong push Immediately having already prepared the way—as to what you mention in ye Postscript of Mr. Foye's letter about Engaging Mr. Foye or some other gent^n to go home and solicit the affair, I can't think there will be the least occasion of it as my friend Mr. Bethell is a member of Parliment & of considerable Influence & Mr. Dunbar my other correspondent is B^r to Govr Thomas who is a gent^n of great Interest there and Govr Thomas is a friend of mine and I believe they will pursue this affair to serve me to ye utmost of their power. I have wrote all of them fully pr Capt Fones and they must certainly be better able to manage this affair than any person sent from hence tho' never so capable.

I forwarded Capt. Sherburn's Packett agreeable to y^r Desire to Sr Peter Warren pr Fones and wrote him full & Mr. Bethell also in his favour, and let Sr Peter know something of the difficultys you people labour under but nothing about my own affair not thinking it prudence at present to let him know my designs till we are prepared with Complaints to send home which hope you will take care to forward me Immediately that I may send them by the next ship which is owned by my friend Mr. Bethell. The Capt. dined with me last Saturday & I expect him & Mr. Belcher to lodge with me to night, he will sail in about a fortnight, as he is a man of good sence & Breeding his being personally acquainted with me may be of no diservis to ye affair in hand.

I shall be glad to have a full and particular Answer to this and also to mine of the 18 July & as Mr. Foye Informed me he forwarded a Letter to you from Govr Belcher, if he writes any thing concerning our Scheme shall esteem it a favour to know his sentiments.

Mr. Henry Sherburn called at my house & Breakfasted with me in his way from Portsmouth but being up late ye night before was kept abed later than usual so that I had not above two hours conversation with him & he then appear'd to be quite hearty in ye skeeme. I had some expectation he would have called at my house in his return home when I purposed more fully to Discoursed with him concerning the grand affair, but as he did not I was prevented, however I have great Reason to think he will use his Interest for me. I Desire every thing may be conducted with as great Secresy as the nature of the thing will admitt of. I remain with all Due Regards to y^r self & Lady, S^r, your most Humble Serv.

ISAAC ROYALL.

P. S. If Capt. Sherburn inclines to send Duplicates of his Letter and Complaint lett them be sent & I will forward them.

(No. 17.)

Mr. Waldron to Coll. Royall.

Sr.

I have by ye Post your Favour of the 12th curr^t, before I proceed to answer it in form, I must take leave to premise (which I hope will give you no offence) that I have seen more than fifty years & never had my Honesty

suspected or my Faithfullness to a friend call'd in question, that I know of to this day, unless some intimations in your Letter are of that Complexion; on the contrary permit me to produce one witness in my Favour, being perhaps is as good a Judge both of Men and Things as any Gentleman in these parts, who says in a late letter to me, "As you have for near 18 yrs past approved yor self worthy of being one of my Cabinet Friends," &c. It is true that what I wrote was discouraging and should I not have been a Traitor if I had withheld it, as I was assured what I hinted would interfere with your Design and threatened its overthrow. But did'nt I, when I intimated the danger, give fresh assurance of my steadiness to your Interest in case you should continue resolved and if so, why then you say. *That you see me at a stand and almost ready to leave you*, and again, *if I am determined to pursue the thing, and* continue still attach'd to yor Interest,—which expressions signify that you were doubtfull of my steadiness. I dont find upon a Review of my copy that I have given any cause to have my Integrity suspected and am sorry that my honest and friendly Intentions in warning you of the Danger of spending yor money fruitlessly, should be misinterpreted to my Disadvantage. However I am ye same man and have ye same purposes and resolutions. and to speak once for all, so long as you persevere you shall find me steadfast.

In answer to yor letter of ye 18 Ult. the Person whom our Friend at the southward says is able could mean no Body but yor self, because I mentioned no other Person to him. I think there is nothing more in it that requires a particular reply, and as to yor last, my having said you shall find me steadfast, is a full answer in few words to the maj^r Part of that; but it would be unjust in me not to own that the Spirit of it speaks you to be a Gentleman of generosity and resolution, and worthy of what you are aiming at. As you are determin'd to pursue the affair I am glad you have taken the steps you mention, wch may be of service in preparing the way.

I am obliged for the renewed assurances of your friendship in case of success.

I am glad Capt. Sherburn's Papers are gone forward, and thank you for offering to send Duplicates. I have a letter from our Southern friend sent me last week by Mr. Foye, who will not have his name mentioned in ye affair at pres^t. I find he was mistaken in ye date of my Letters as I heretofore hinted, and being now set right, I have no doubt of his Assistance after he has conversed with Mr. Foye. I have not seen Mr. Sherburn since he return'd; I sent him yor Letter yesterday noon; Your other to my son went last night to Cochecho (where he is.) I am almost weary of waiting for an Election, and if we han't one soon shall be for moving ye waters without * * * much longer, tho' it may be Detrimental in the new choice.

With my Couplem^ts to your self and Lady,
I am, Sr, yor most humble Servt.
R. Waldron.

Mr. Royall. Pr Post, Aug^st 19, 1748.

(No. 18.)

Coll. Royall to Mr. Waldron.

Charlestown, August 26th 1748.

Sir

I Rec^d yours of the 19th Instant pr post and am fully satisfied of your steadiness & integrity to proscute ye proposed scheme. I must acknowl-

edge that upon ye first sight of your Letter of the 5th currt. I thought you were not quite so hearty as I could wish but upon Reviewing the same & comparing it with yours to Mr. Foye I found my self agreable mistaken not only from the strong assurances you therein gave me of y^r being heartily attached to my Interest but from your known Integrity & Stability, and aske pardon that I mistook y^r Letter and wrote you as I did.

I do assure you, Sir, tho' you thought by my Letter I was in Doubt about your steadiness, I have now not the least Room left to suspect ye same but with the utmost Dependence Rely on your faithfulness & Integrity to me & I thank you for your strong Resolutions to persevere so long as you find me steadfast.

I assure you I am Determined to pursue the scheme at all adventures (since I have ingaged in it) steadily & secretly & that with the utmost Vigour. I am exceedingly pleased to find our Friend Govr. Belcher appears so hearty in the thing & make no Doubt of his Friendship which will be of great service to gain ye point & you may be assured that his name will not be mentioned by me. I should be glad as there is a Competitor to have every thing pushed forward with all prudent speed Especially as to ye matters of complaint that they may go forward by Mr. Bethell's ship, for I wrote him that by ye next they would be sent forward —this being ye needfull at this time, I remain with all Due Regards to your self & Lady & Family, Dear Sir, your most

Assured Friend and very
Humble Servt.

ISAAC ROYALL.

P. S.
I am determined in my own mind
to take a journey with Mr. Foye to Burlington (1)
if you should think it best, so beg you would
give me y^r advice on this head.

(No. 19.)

Mr. Waldron to Coll. Royall.

Sir—

Yours of ye 26th Aug^st is in Hand & am glad to find that your suspicions are removed, which makes it unnecessary for me to give any fresh assurances of my friendship and assistance, especially as I have repeatedly said eno' on that score already.

I am glad also to find your resolution so fix'd, which is a good omen of success, and I cannot but flatter my self y^t y^rs a fair probability of gaining the Prize unless it should be bestowed as a reward of personal Merit for services already done.

It will be impracticable to get a complaint sign'd within the time you mention, for my son who must manage that part, must be a fortnight at least in his saddle, before it can be accomplish'd; beside, we shall undoubtedly meet with delay, at ye Secretary's office, for Capt. Joseph Sherburn by my advice apply'd there for the Seal to authenticate copy, and was told if he w'd add such other Copys as the Govr had directed he might have it, which he refus'd to do, and so had it not. I will meditate on something or other, if I can ag^st ye next Post to be forwarded to your Friend in his own Ship as a Prelude to what may follow.

As you are pleas'd to ask my advice touching a Journey to Burlington, I reply, that it is my opinion that it will give you great satisfaction, as

(1) Burlington, N. J.—ED.

the Gentleman whom you visit can give the best of Council, and as I have reason to think he will be quite hearty in his advice to promote your Design.

Your Letter to my son I forwarded to him last Night at Cochecho, the last Time I saw him he said he would see you as soon as he could break through his Busyness, which at prest is pretty urgent. Mr. Sherburn I have not seen, since he saw you, which I a little wonder at, especially as he has pass'd lately within 30 rods of my Door. I am, &c.

R. W.

Indorsed—"Copy to Mr. Royall
Sept. 2d, 1748."

(No. 20.)

Mr. Waldron to Slingsby Bethell, Esq.

Sir.

Will yo be pleas'd to permit a stranger to address yo? It is on a matter of Importance, else I should not have taken the Freedom nor would that excuse me, was it not in Behalf of one who is in yr Friendship, and has already wrote you on the subject.

Isaac Royall, Esq. is the person I mean, who being a Gentleman of Character, and an affluent Fortune has upon those considerations been sollicited for his Assistance to relieve a distressed People from oppression, and has generously yielded to open his Purse, and to employ the Interest of his Friends for their Deliverance.

I was in Hopes e'er this to have forwarded a Complaint agst Mr. Wentworth the present Govr, exhibiting some parts of his male Administration, but several Impediments successively occurr'd, which have hitherto obliged me to postpone it.

I think I shall find the way now clear to bring it soon to a head, which when accomplished, will be immediately put into Mr. Royall's hands to be sent forward.

The substance of the intended Complaint is an invasion of the civil and religious rights of the People, superseding a Law, arbitrary removals of Judges, partially bestowing most of the places of Power and Profit on his relations, endeavoring to destroy the Independency of the Genl Assembly, taking money out of the Treasury without an Act for it, and cashiering and reducing worthy and brave officers, who served at the siege of Louisbourg, and were again engaged in the intended expedition agst Canada, cum multis aliis, the particulars I refer to the Complaint it self, when you shall receive it.

Mr. Royall knows not of my writing this Letter, but I shall send it him this Day by the Post, to be forwarded, if he approves of it, and will be my Apologist for presuming to commence a correspondence with an unknown Gentleman of yor character and station, or to be withheld, if he judges I have Assumed too great a Freedom.

I am, Sir, yor most obdt and most
humble servt

R. W. Portsmo
in N. H. in N. E. Sept. 18, 1748.

I cant help anticipating the Complaint by giving a sketch of our Family, kindred, Governmt, which you'l find in the enclosed Paper.

(No. 21.)

Col. Royall to Mr. Waldron.

Sir—

I Rec^{d} y^{r} kind & very agreeable Letter of the 2^{d} Instant (but not before the Post Return which prevented my answering it last post) which gave me great satisfaction & Incouragement to think the Report you had of Mr. Huskes being appointed Govr is groundless or you would have mentioned it in y^{r} last.

It would be greatly pleasing to me to see y^{r} Son and hope before I set out for the Jerseys I shall be favoured with a visit from him when we can more fully converse about all affairs.

I am sorry the Complaints can't be got Ready to send pr my Friend Mr. Bethell's ship but however am glad to hear y^{o} purpose to send a specimen to prepare the way and if you can send the same pr next Post I believe will come just in time because the Capt. who Dined with me last Saturday with Mr. Foye &c. and spent ye Sabbath with me Informed me he could not get ready to sail before the latter end of next week if then—I have had considerable Intimacy with the Capt. since he has been here & I think him to be a man of good sence, he was formerly consul of Naples & has been a very great Traveller—he has Expressed to my Friends a great Esteem & Regard for me and has declared that he would do me any service in his power, therefore if you think proper (as Mr. Foye thinks it will be best) just upon his sailing I will communicate the affair to him which may be of considerable service. I beleive I may rely on his Friendship that whatever I communicate to him will not be Devolged to any only his and my Friend Mr. Bethell wher he may often whilst in London Remind him of the s^{d} affair. But if it is not agreeable to you I will not do it, as I am Determined to do nothing in this affare without your advice. seeing you were the first projecter.

I should be glad to know what posts ar in the Governors power to give away, that if the Secretary's post or any other place you Desire is not in his Gift I may write to my Friend by the same conveyance to obtain that or any thing else for you and some thing for your son Mr. Thomas (1) in case of success.

I am obliged to you for forwarding mine to your son. Since my last I rec^{d} a very kind & friendly Letter from Mr. Henry Sherburn who Informs me the Reason of his not waiting on you was the great hurry of business he was in but purposed shortly to see you, he writes very Incouraging and I believe is heartily in the thing; I hear your Don and some great men have bought Masons Right so called, which I apprehend will hereafter make great contention amongst the people in y^{r} province, therefore whether it is not best to look out in time to prevent future Difficultys (but this to y^{r} self) being ye needful at present I Remain with my best Respects to y^{r} self & Family

Hon^{d} & Dear Sir, your
Hearty Friend & very
Humble Servt

ISAAC ROYALL.

Charlestown, N. England
Sept. 12, 1748.

(1) Mr. Waldron's Son's name was Thomas Westbrook Waldron.—ED.

(No. 22.)

Mr. Waldron to Col. Royall.

Sr.

I have yor favour of the 12th curr^t I am glad my letter of ye 2^d was agreeable and encouraging. I have heard no talk of the Bermudas news lately, and as several ships are arrived from England, since that report was first spread and have bro't no confirmation of it, it was doubtless without Foundation. I am sure my son would be as glad to wait on you, as you could be to see him, but I'm afraid it will be too hurtfull to his interest to move just now. I entirely acquiesce in your communicating the Design to the gentleman you mention, who assuredly will not hurt but may help to promote it; Great machines have little wheels, and the greatest Buildings small pins, so in State Matters, great Events are sometimes promoted by petit Instruments. yor compl^mts in saying you shall do nothing in ye affair without my advice, will always be a stimulus to my zeal, and an obligation to my giving the best that my capacity will afford. you ask what Posts are in the Gov^rs gift. For answ^r take a sketch of our Constitution—the King appoints the Govr and ye Lieut Govr when we have one, and the Councillors being 12 in number, when ye Board is full; the Govr appoints the Judges & Justices wch sh^d be done with the advice of ye Council according to ye s^d Instrument, but that has not always been observed; he also appoints the Secretary, Treasurer, Sheriff, Register of Probate, and the Military Officers; all wch appointm^ts are in the Crown itself if his Majesty pleases, for we have no Charter, and the Gov^rs Commission being the Foundation of the Governm^t. The Genell Court appoints the Register of Deeds claiming the right by prescription, and the Sup^r and Inf^r Courts appoint their Clerks by authority of the Law, but those Clerks are generally recommended by a letter from the Govr. The Councill^rs and Representatives have (I think) the same wages as with you, the Judges of the Superior Court have no salary, and each saves per haps 5 or 10£ pounds a year new Ten^r out of their Fees; the Judges of ye Infer^r Court may each probable save ab^t 25£ a year. The Secretary's allowance and honest perquisites may amount to about 70£ a year. The Treasurer who is also Commissary makes good earnings in Time of war; I cannot guess what, but in peace I believe his office is'nt worth more than 40 or 50£ a year, the Clerk of the Superior Court's office is worth ab^t 30£ a year, and the register of Probate's the same. The Clerk of the Inferior Court's office and the Sheriff's are the two best offices in the Governm^t, and are probably worth near 125£ a year each. The Judge Probate's office is worth from 20 to 25£ a year. Thus, Sr, I have given you a touch of our Governm^t, and of the places of profit within the same. But what I have said of the profits is merely conjectural, and not to be rely'd on. You are exceeding kind and obliging in offering to mention me and my son to your friend for any office not in the Gov^rs gift. I shall always acknowledge this as a very singular Instance of your kind regards. As to myself I can hardly find any Inclination to be further concerned in public affairs. I was in the Secretary's office 27 y^rs, I was a Councill^r, Judge of ye Inferiour Court and of Probate, and Justice of the Peace ab^t 10 y^rs and these I think were a suficient share for me, especially as my days are on the Decline and my sun so far beyond its meridien.

As to my son who is man of a good character and reputation, and in general esteem among the people here, and who deserves well both of his King and Country for his services at the siege of Louisbourg, he commanding one of the whale boats which first landed in Chepeau-rouga Bay, and being one of the Captains that commanded a Company in sustaiuing the advance Battery the first day it pla'd on the City, when the Trench was hardly knee deep, and not 200 yards from the City walls, upon which

the Enemy kept a continual Fire all the day both with Cannon and Muskets, and where the volleys of small shot were like showers of hale, and for which he has been very illy requited by Mr. W—ntw—th, I say with respect to him, I shall be glad, that he may have some marks of your Friendship, as a reward of his Merits, in case of success, and be promoted in such manner as may be for his Interest and the public good.

Be pleased to excuse what I have said of my Son, for tho' it is no more, nor half so much as Justice to his character demands, yet I acknowledge it comes but with an ill grace from a father's pen.

There is one thing I have often tho't of mentioning namely, That if you should succeed and not constantly abide here, it will be almost absolute necessary for your peace, that there be a Lt. Govr that you may confide in, otherwise you may meet with Trouble that is inconceivable, as Govr Belcher did from Lt. Govr Dunbar, Govr Dudley from Lt. Govr Usher, and Govr Shute from Lt. Govr Vaughan, who always attempted to set the Province in an uproar, as soon the Gov^rs Backs were [turned] and to counter-work all their schemes, and there is no reason to think the case will be otherwise now, for Mr. Jaffrey, Govr Wentworth's brother-in-Law is sen^r Council^r who has the same full power of Governm^t in a Governor's absence out of the Province, that a Governor has himself when he is in it, and there is a Party that will adhere to him and be like a nest of Hornets, when he has power to support them. This is a thing worth your consideration unless you resolve on a constant residence here. I suppose a Lt. Gov^rs commission which is no other than a Warrant of 10 Lines under the Privy Seal and may be had, for almost any Body for 5 or 6 guineas or ten at most, especially as there is a vacancy and no body to remove. Col^o Dunbar who was the last Lt. Govr, being appointed Govr of St. Helena and gone thither y^rs agoe. But then the Difficulty will arise Where is the man? I hope, Sir, you won't think I have said this to lead you to make me a compliment upon it. No, I assure you I have no such meaning, for if I had an Inclination my Prudence could not give consent, as I well know such a station must unavoidably be attended wth a considerable expence without any salary or Perquisites to defray it, which my purse will not admit of; moreover, I am so far from making this proposal in my own Favour, that I am not determined to ask to be restored to my place at the Council Board, from whence Mr. Wentworth illegally suspended me, or rather pretended to suspend me, for I find in myself a much stronger Bias to retirm^t than to launch again into the Busy world now in my advanced years.

I sent Mr. Sherburn's letter to him yesterday morning, and that to my son last night. I am glad you approve of what I wrote to Mr. Bethell; but am sorry your journey is delay'd bec. I think it will be convenient for you to be at home sometime before the Mast Fleet sails wch perhaps may be ab^t the 10th of November. I am obliged to you for offering yor care of a Letter to Govr Belcher, which is what h'el expect from the hands of Mr. Foye. If I hear from you by the Post 'tis probable I may write you again next week, be that as it will I wish you a pleasant and prosperous Journey, and with my Compl^mts to yourself and Lady am—

[Indorsed] "Copy to Mr. Royall
Sept. 16, 1748."

(No. 23.)

Col. Royall to Mr. Waldron.

Extract.

Charlestown, N. E. Sept. 19th 1748,

Honbie Sir,

"I am obliged to you for ye sketch you give me of the nature and constitution of yr Province and ye posts of honour and profitt that are in the Govrs power to bestow, which I apprehend will be a great use to me, and I have thoughts of giving a sketch of some of them to my friend Mr. Bethell, Tho' I am afraid I shant have opportunity of doing it by this vessel, as she sails to-morrow & my pacquett is seal'd up.

"I am fully satisfyed by other hands as well as by your letters of the arbitrary proceedings of your Govr in Illegally suspending you from the Council, and superseding you and putting his Brothers &c. into the offices that you so worthily fill'd; but Sir, hope ere long to have the pleasure to Restore you to all yr former places again, which should I be so happy as to succeed, I assure you the service of yr self & family shall employ some of my first thoughts. & hope a Gentleman of yr Talents and capacity will not think to live a retired life when you may be so eminently serviceable to yr country.

"I am sencible the character you give me of yr son, he well deserves & I have heard Coll. Richmon & several others commend him much for his gallant behavour at Louisburg, & and assure you Sir, in case I succeed nothing shall be wanting in my power & I shall with great pleasure promote & serve a young gentleman of his worth & merit, and have already wrote my friend in his favour.

"With my hearty respects to yr self Lady
and family, I am, Dear sir, your sincere
Friend & most humble servt

ISAAC ROYALL."

(No. 24.)

Private letter from Mr. Waldron to Govr Belcher.

May it please—

I have wrote yo this day, and committed it to ye care of Capt. Huske, in which I omitted some things lest a too prying eye sh'd reach the inside of it. It is generally expected both at Boston and here, that the Don will soon be superseded, the candidates for the succession are K-tt-ry (1) Rodomentado (2) and Sapling (3)

The first I have reason to think has consented to the Exa of a thousand yellow Boys, and will go further if need require to carry the Point. I say consented, bec: he is pretendedly passive,—the Sp-hw-k(2) Son the manager,—this I say by guess but on a good Foundation.

The second is more insignificant than when he had Lady Topsail to council and guide him; he is quite poor, and has nothing but his office to find him Bread; what he said of his thousand pieces is unquestionable without foundation: the Dependence is on the Brother's Interest to ask and have, and the Son to pay the Fees. His wife sold most of her Interest at Berwick to enable him to go to England, & 'tis tho't her reflections upon it broke her heart.

(1) Sir William Pepperel? (2) Hon. Ellis Huske? (3) Col. Isaac Royall?
(2) Sparhawk, son-in-law of Sir Wm.—ED.

The third I know has ordered 7 or 800 Guineas certain and I believe more if need be to gain the prize. His friend who is to manage for him is Slingsby Bethell, Esq. worth a hund^d thous^d p^d Ster. and member of Parliam^t for London, who wrote him in May or June last, he will do his best to obtain what he desires. Beside a Maj^r & Capt. at Louisbourg and in ye intended Expedition ag^st Canada, are gone home in the Mast [ships] laden with heavy complaints ag^st the Don, which was their only Busyness; so that upon the whole I can't but think there is reason to hope for redemption from our present Bondage, by one means or other.

Your Ex^y Favour of Decr last I have answered in that of this Day, wch Capt Huske has to forward. With my heartiest wishes for yor Ex^y prosperity I am, yor Exc^ys most obedient and obliged

humble servant

R. Waldron,

Portsm^o March 10, 1748-9.

I shall this day desire Mr. Foye to forw^d wth this what I wrote in Septr. When yor Ex. receives my letters, I shall be obliged, if I know it.

(No. 25.)

Letter from Committee of Genl Assembly to Honble Slingsby Bethell, Esq. London.

[This letter is in the hand writing of Mr. Waldron.—Ed.]

Honble Sir—

We being a Committee of the General Assembly of his Majesty's Province of New Hamp^r in New England, in America, take leave to apply to you in Behalf of the said Province, upon the recommendation of Isaac Royall, Esq. requesting your Favour, in presenting an Address to his Majesty for us, and using your Endeavours to obtain a favorable answer thereto, especially in the removal of Mr. Wentworth our present Governour, whose arbitrary attempts on our civil and religious Privileges, together with his unskilfull conduct, in the Administration of Governm^t have bro't us into the most distressing circumstances, and rendered himself quite disagreeable to the Generality of our People; and unhappy as the situation of our affairs is, there is no probability of its being better, till his Maj'ty shall be graciously pleased to place a Gentleman of better Abilities, and a different Disposition in his room.

The Address with its vouchers accompany this, which we hope will be sufficient; however, we think it not improper to give a specimen of some parts of the Governors conduct, in a few particular Instances, by which his habitual character may be the better known, and his capacity for governing a Province the better judged of.

He has made various attempts to wrest the Records of Deeds, which contain the Peoples Titles of their Inhabitances out of the hands of their representatives, and to be the sole Disposer of them, tho' the General Assembly has always had a vote in the appointment of a Recorder, ever since there has been a Government in the province.

He has made an attempt also on our Ecclesiastical Privileges, by abrogating a Law (as far as he could) incorporating a Parish, and reserving the presentation of the first Minister to the Presid^t and Fellows of Harvard College (in Mass^a Bay) or the two sen^r Ministers in this Province. The case was thus: A number of People, in the ancient and large Town of Exeter, living remote from the Place of public worship, petitioned the

Governor, Council and Genl Assembly, conven'd in their legislative capacity to incorporate them into a Parish; the Petition was granted, and an Act was pass'd conformable thereto, and the Name of the Parish was called Brentwood. Sometime after there grew a Discontent among the Parishioners, and a Party petition'd the Govr and Council to divide Brentwood into two Parishes, and accordingly he with the Advice of the Council. pretended to Supersede the Act which he himself had sign'd not long before, and by Letters Patent as he call'd the Instrument, to make a new and second Parish, within the Bounds of Brentwood, by the name of Keenborough, and in the said Instrument to reserve the presentation of the first Minister as aforementioned; which we suppose to be the first Instance of the kind that ever was in N. England, and is directly contrary to a standing Law of the province as well as to his Majesty's gracious Indulgence in that regard. To this we may add, that but a few years agoe, the High Sheriff of the Province, Brother-in-Law to the Governor, entered into a meeting-house on the Lord's Day in the time of public worship, with one of his Depnty's, who by the Sheriff's order enter'd the pulpit and seized the Minister then performing divine service and forced him not onely out of the Pulpit but out of the House, tho' he was then officiating as a Gospel Minister at the Desire of the major part both of the Church and congregation. This was universally supposed to be done by the Governor's Direction, and is another new instance of arbitrary Power not known before in New England, that ever we heard of.

Again, it is but a year or two agoe that the Govr publicly declared, that the Supreme Court of Probate in which he presides, was not oblig'd to observe the rules of Law, tho' the Inferior Judge was.

About sixteen months agoe, the Governor sent the Secretary to the General Assembly with the Draught of two votes for them to pass upon, who said they were in the Governor's writing, and that the Council were of opinion, they would answer the Ends proposed—this was on a Money affair, and was enough to have raised their Indignation, as the Drift of it was manifestly to bring the Assembly more and more under his Influence, and at last to render their Independency, as a Branch of the Legislature utterly void and of no effect.

Furthermore, It is a Thing beyond Doubt with us, that he has taken large sums of Money out of the Treasury without Law and disposed of them at pleasure, and this under colour of a Loan to the King to pay off the Troops intended for Canada:—whereas there was no grant made to his Majesty in that Respect, a vote onely being pass'd, that when the sum was ascertained, which his Majesty desired to borrow, the Assem. would lend the money, and pass an Act accordingly, but the sum was never ascertained, nor an Act pass'd; the Governor (doubtless) choosing rather to exercise his power upon indefinite sums, than to be under a Limitation; an exact account of his management in this matter, will hardly ever be bro't to Light, unless his Majesty should be pleas'd after a new Governor's appointed to issue a Commission of Inquiry into this Dark and mysterious affair, by which 'tis probable much unrighteousness might be discovered, and considerable sums of money saved either to his Majestys Exchequer, or the Treasury in this Province or both.

We are, Sir, your most obedt and most humble
Servts R. W. [Richd Waldron]
P. G. [Peter Gillman]
Portsmo in N. Hampr in New England, J. C. [James Clarkson]
April 13, 1749. T. M. [Thomas Millet]
Copy R. W. H. S. jun [Henry Sherburne]
Honble Slingsby Bethell, Esq. Sent to Mr. Royall, April 14, 1749 for conveyance.

(No. 26.)

From the Committee to Slingsby Bethell, Esq.

Honorable Sir—

We have wrote you this day requesting your Favour in presenting an Address to his Majesty for us, the Expense of which Mr. Royall has engaged to defray, and will so write you by this conveyance.

That Gentleman's compassionate concern for this Province, and his benevolent Disposition and Readiness to help us under our Difficulties, oblige us in gratitude, to pray you to exert your best Endeavours and Influence, to get him the Government of this Province, in case of Mr. Wentworth's removal.

This request we have the more reason to urge, as Mr. Royall is a gentleman of an affluent Fortune, and so will be under no Temptation to oppress or receive Bribes, and moreover, he has so good a character in general, as gives us much reason to think that if his Majesty would be graciously pleased to place him in the chief-chair here, the Province would be happy under his Administration.

We are, sir, your most obed^t and most humble servants—

RICHARD WALDRON
PETER GILLMAN
JAMES CLARKSON
THOMAS MILLET
HENRY SHERBURN, JUN.

Portsm^o in N. Hamp^r in N. England, April 13, 1749.

Honble Slingsby Bethell, Esq.

Copy, R. W.

Sent to Mr. Royall, April 14, 1749, for conveyance.

(No. 27.)

Hon. John Thorpe to Slingsby Bethell, Esq.

Lincoln Inn, July 5th 1749.

D^r S^r.

I have perused & considered the Address of the General Assembly of New Hampshire against Govr Wentworth and am extremely sorry to find that the matters contained in the Address instead of answering the Expectations of the Assembly in procuring the removal of Mr. Wentworth will in my apprehension fix him firmer in his seat of Government & procure him the Royal sanction and protection. The address consists of these articles of Complaint. His issuing writs to places not privileged to send members to Elect Representatives; His refusing to suffer the House to sit or to approve their Speaker, till the House permitted the new members returned pursuant to the said writs to sit and vote in the choice of a Speaker:

In both which he is clearly warranted & supported by the Royal Instruction Issued by the Lords of the Regency; for by that Instruction it appears Mr. Wentworth was directed and required to Dissolve the former Assembly merely because they refused to permit the members Elected for Towns who had never sent members before to sit & vote in the choice of a Speaker—It is likewise expressly declared by the Instruction that his Majesty has a lawful Right of Extending the privilege of sending Representatives to such new Towns as his Majesty should judge worthy thereof; and Mr. Wentworth is by the same Instruction required and Directed to Issue Writs for such new Towns to Elect fit persons to Represent them in the Assembly & to support the Rights of such Representatives when

chose; so that what Mr. Wentworth has done in the premises was in pursuance of the Royal Command he will undoubtedly be supported & justified in it & therefore I can never advise the presenting a Complaint of this kind which will certainly bring praise and commendation to Mr. Wentworth & very probably a censure on the Assembly; for it is most certain the plantations have not that Inherent Constitutional Right to hold Assemblys as the Kingdom of Great Britain has to the holding of Parliam^ts^, & it is equally certain that the Right any Town in our Plantations has to send members to the Assembly and even the Right the Plantations have of holding any Assembly at all is founded originally on the Royall Commission and Instruction given by the Crown to their Governors, and it is also as certain that the Governors in all the plantations have a Right to negative the Speaker chose by the Assembly. The King here has the same Right to negative a Speaker chose by the House of Commons,—For tho' this right is seldom or never exercised yet it is certain the Crown has a right to exercise it when ever they see proper. There is another thing observable, viz: That the Assembly of New Hampshire met and acted after the Govr had negatived their Speaker which is wholly unwarrantable as they were not a House without a Speaker. The facts mentioned in their private letter are strong matters of complaint but none of them are mentioned in the address. I therefore apprehend it will not be advisable to present the present address, but that instead thereof a new address be presented to the Crown not by way of complaint against Mr. Wentworth as to his Issuing the new Writs & negativing the Speaker, but humbly Representing against the Royal instruction shewing the Inconveniences arising from it and praying his Majesty to recall it, and to have a repetition of complaint against Mr. Wentworth charging him with such acts of male-administration as they shall be able to make out, which I am informed there will be no difficulty in doing, particularly in relation to his Disposal of military Commissions; thus I have given you my real sentiments on this Address, and am with the most perfect Truth & Esteem, Dear Sir,

Your most obliged and ever
faithfull Humb^le^ serv^t^.

JOHN THORPE.

To Slingsby Bethell, Esqr.

Superscribed—"Messrs. Waldron, Gillman, Clarkson, Millet and Sherburn, Gent^n^ of the Committee of the General Assembly of New Hampshire."

Indorsed—"Copy of Mr. Thorp's Letter to Mr. Bethell, July 5, 1749, sent to the Comittee by Mr. Royall, Sept. 13, 1749."

(No. 28.)

Coll. Royall, to Gent^n^ of the Committee.

Charlestown, Sept. 13th 1749.

Gentlemen—

I wrote you some time since that I had forwarded your Address to my Friend Mr. Bethell by him to be presented to his Majesty; Since which have none of y^r^ Favours. I have now to Inform you that I am advised by Mr. Bethell in his Letters of the 4th & 8th of July last that Mr. Wentworths Interest is great at home, & that Mr. Thorp in a letter to Mr. Bethell of the 5th of s^d^ July acquaints him that in his opinion it is not advisable to present the address to his Majesty, because the matters therein contained, instead of forwarding the Removal of Mr. W———th would

tend to Establish him the firmer & procure for him the Royal Protection, as you will see by these letters (for which I am heartily sorry) the perplex'd & embarrass'd state of y^r publick affairs as Mr. Thorpe writes so fully & as they may be of service to y^r Province I have enclosed you & Mr. Waldron copys verbatim of the aforementioned Letters.

Gentlemen I heartily return you my thanks for your kind sollicitations & Endeavors to procure for me the Chair of Government among you, and had providence smiled upon the Attempt I trust I should have exerted myself to have made you a happy People, but as my ill state of health grows upon me & the Intricacy of your affairs are such as makes the prospect of success Distant & quite uncertain, I must wholly Decline taking any further steps in the prosecution of this affair. I shall ever wish well to the good People of your Province, & pray God to direct and Bless you in all your Public Affares.

Having not to add save to Assure you that
I am with the profoundest Respects,
Gentlemen, your most obliged
Humble $serv^t$.

ISAAC ROYALL.

To Messrs Waldron, Gillman, &c.

(No. 29.)

Letter from Col. Isaac Royall.

[Copied from MS. Corr. Vol. II, p. 43.]

Charlestown, January 15th 1749-50.

Dear Sir.

Yours of y^e 22^d ult^o came safe to hand and I am much obliged to you for proposing (as I think you did) to y^e Com^{tee} to write me, but as they did not comply therewith I shall not say anything further on that head only that my proceeding so far as I did to serve your Province proved very Detrimental to my private Interest & Health, it being above *above* a Thousand Pounds Damage to me, so that I am much poorer this Day than I should have been had I not Engaged, by ordering such large quantitys of Sugar home to Defray the charge that might attend the affair, which sold fifty pr. ct. less than I could have had for them here, besides a Dispute between Mr. Vassall and myself in Antigua when he was on y^e spot & I stade heir waiting for y^e event of our Scheme which was a greater damage to me than y^e former, but however since it has so happened I must be contented & if the $Gent^n$ of y^e Com^{tee} Don't think I have done what is worth their thanks I am quite Easy, since I know I have Don all I could to searve them & acted uprightly in the affair.

You have been Rightly informed concerning Mr. Bollans acc^{ts} and I am apprehensive that the Court will choose him agent for the Province again the next week when ye choice comes on, the members of our General Court are so much Divided in their opinion that we have not done one single article for the Benefit of ye Province tho' we have sat near Eight weeks, what is done one week is wholly set aside in half an hour, so that we are in a melancholly situation, and I fear nothing will be done to Releave the people.

According to your Desire I have sent you the Journals of the House for your amusement and shall as opportunity presents itself give you some Intimations of what may happen during the present Sessions.

I am concerned that your publick affairs remain under a cloud till now—but hope the Sun will break out ere long and scatter those Mists of Darkness that at present hang over you, and may Sr William be the happy Instrument of relieving your Distressed Province.

I am very sorry to hear of your Indisposition but by your next hope to hear you are perfectly well.

Being much Engaged in the Publick affairs I have not to add but Rest with mine & Mrs. Royall's Compliments to yr self & Lady—

Am Sir, your Friend & most Humble Servt

ISAAC ROYALL.

To the Honble Richd Waldron, Esq.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

NOTE BY THE EDITOR.

The *Journal of the House* which follows, to May 31st, 1755, is copied from a MS. bound volume in the Secretary's office, labeled "JOURNAL OF THE HOUSE—1747–1755." It is a continuation of said Journal, as printed in Volume V., page 590. Interspersed, in order of date, will be found the Speeches or Messages of Governor Benning Wentworth, with many important letters and official documents which are of great interest and value. Indeed nearly all public papers and documents, belonging to this period of our Provincial History, are comprised in the *Journal of the House*, instead of being spread over all the pages of this volume; and will on that account, the Editor trusts, be much more easy of reference. Pages in the margin correspond with pages in the MS. Journal.

[P. 104.] *Anno Regni Regis Georgii Secundi Magnæ Britaniæ Franciæ & Hiberniæ Vicesimo Secundo.*

A Journal of ye House of Representatives at a General Assembly of his Majesties Province of New Hampshire in New England begun and held at Portsmouth in sd Province on Tuesday ye Third Day of Jan. 1748–9.

At twelve o'clock the Members not being Generally Come in the Secretary by the Governor's Order Adjourned the General Assembly till to-morrow 11 o'clock.

Wednesday Jany the 4th 1748 at 11 o'clock the following Members being present As Returnd from the following Towns Viz.

From Portsmo	James Clerkson Esqr. Eleazer Russell Esqr. Mr. Henry Sherburne Junr.
Dover	Thos Millett Esqr. Mr. John Wentworth

	Hampton	Mr. Joseph Philbrick Richard Waldron Esqr.
	Hampton Falls	Meshech Weare Esqr.
	Exeter	Coll°. Peter Gilman Mr. Zebulon Giddings
[p. 105.]	New Castle	Thos Bell Esqr.
	Stratham	Moses Leavitt Esqr.
	Newington	Mr John Knight
	Londonderry	John Macmurphy Esqr.
	Greenland	Clemt March Esqr.

The Secy Came into the House & adjourn'd the Genl Assm by his Excellency's Direction till to Morrow 12 o'clock.

Thursday Jany 5th 1748—

Present at 12 o'clock the Members which were present yesterday there being present Also From Durham Capt. Jona Thompson There also being present in the House Capt Abel Morss who Appear'd as being Called in by the King's Writt to Represent the Town of Chester And also Mr. Samuel French who appeared in the Same Manner for South Hampton.

The Honble Ellis Huske John Downing & Theodore Atkinson Esqrs Came into the House And Said they were Sent by his Exy to Administer the Oaths to the Members Return'd And Accordingly Administer'd the oaths Appointed Instead of the oath of Allegiance & Supremacy to the Following persons Viz.

James Clerkson Esqr	Eleazer Russell Esqr.
Mr. Henry Sherburne Junr	Thos. Millett Esqr.
Mr. John Wentworth	Mr Joseph Philbrick
Richard Waldron Esqr.	Meshech Weare Esqr.
Coll. Peter Gilman	Mr. Zebulon Giddings
Thos Bell Esqr	Moses Leavitt Esqr.
[p. 106.] Mr. John Knight	John McMurphy Esqr.
Clemt. March Esqr.	Capt. Abel Morss
Mr. Samuel French	

And the Oath & Declaration being Subscribed they withdrew And presently the Honble Richard Wibird Esqr. Came into the House And said he was Sent by his Exy to Inform the House that his Exy Required the House immediately to proceed to the Choice of a Speaker & present him.

And the question being put whether Mr Morss & Mr. French who appeared from Chester & South Hampton should have a voice in the Choice of a Speaker it unanimously pass'd in the Negative And then the House proceeded to Choose a Speaker And the

Honble Richard Waldron Esqr was Chosen Speaker by every Vote except one And he was Accordingly Conducted to the Chair

And then James Clerkson Esqr. Thos. Millett Esqr Coll^o Peter Gilman And M^r. Joseph Philbrick were sent to Inform his Ex^y that the House had Chosen Richard Waldron Esqr. for their Speaker.

Then the House proceeded to Choose a Clerk And Meshech Weare Esqr. was Chosen Clerk and an Oath Administered to him. Accordingly Richard Wibird Esqr Came into the House and said he was Sent by his Ex^y to Inquire whether the Members who were Return'd from Chester And South Hampton Voted in the Choice of a Speaker And after some Debate And Consideration Upon the Message An Answer was Sent to his Ex^y. by Moses Leavitt & Thos. Bell Es^qs. that those Gentlemen who appeared from Chester & South Hampton Did not vote in the Choice of A Speaker.

[p. 107.] M^r. Sec^y. Bro't Down the following Message from his Excellency the Governour viz:

I am Directed by his Ex^y to Acquaint you that he Disapproves of the Choice of Richard Waldron Esqr. for your Speaker And that you are Directed to proceed to the Choice of Another Speaker And that his Ex^y. Requires you in his Majesty's Name to send out for the member Return'd And Sworn for South Hampton & ye member Return'd & Sworn for Chester who have an Equal Right with the other members to vote in the Choice of a Speaker And that no Speaker will be Approved in the Choice whereof the Above Members are Excluded.

Voted that ye following Message be Sent to his Ex^y in Answer to his Message to ye house of this Day by M^r. Sec^y Atkinson.

May it Please your Excellency

In Answer to your Excell^ys Message of this day by M^r. Sec^y Atkinson wherein your Ex^y has been pleased to Say you Disapprove ye Choice of Richd Waldron Esqr for Speaker of this House & to Direct that we proceed to ye Choice of Another Speaker And to Require in his Majestys Name that we Admit ye Members as your Ex^y is pleased to call them from Chester and South Hampton to Vote in ye new Choice And to Declare y^t no Speaker will be Approved in ye Choice whereof ye abovementioned members are excluded. The House Humbly Replys y^t as soon as your Ex^y will be pleased to Shew them your Ex^ys Power to Negative a Speaker they will immediately Submit to it & proceed to Another Choice And y^t as soon as your Fx^y will be Pleased to Evince to them y^t ye pretended members of Sonth Hampton & Chester have a Right to Sit and Vote in this house they will immediately Admit them But till Such evidence is produced both in ye one Case & ye other they Cannot see ye Way Clear to Comply with what your Ex^y Requires in the Said Message.

[p. 108.] While the foregoing Answer to his Ex^ys Message was preparing the Sec^y came into ye House And by his Exc^y Order Adjourned ye Genl Ass^m till to morrow Eleven o'Clock.

Fryday Jany 6th 1748 A. M.

The House met according to Adjournment.

Voted That Mr Giddings & Mr Thompson go to ye Council & Inquire whether his Excellency be Come to Council or not who Return'd that his Ex^{y} was present in Council.

The Answer to his Excellency's Message which was voted yesterday was Sent up this day by Thos Millett Esqr Mr Henry Sherburne Col^{o} Peter Gilman Clem^{t} March Esqr & Jno Macmurphy Esqr.

Voted That Mr Zebulon Giddings & Capt. Jno. Wentworth & Meshech Weare Esqr. be a Com^{tee} to go to M^{r}. Daniel Pierce the Late Clerk of the House of Representatives And Demand of him all the Books Records And files Plans and paper which are in his hands belonging to the House of Representatives to be Delivered to Meshech Weare Esqr. the Present Clerk of the House

Mr Sec^{y} Come into the House and Read the following *Message from his Excellency*

I am to inform ye members of ye Genl Ass^{m} that when his Ex^{ys} Message of yesterday is fully Obey'd in ye Choice of a new Speaker wherein ye Members for South Hampton and Chester are to have a vote his Ex^{y} is Ready to give them Any Satisfactory Answer to things they have a Right [P. 109.] to Inquire into And not till then.
Jany 6th.

Resolved That Any Person or persons Disposed to print the Journals of ye General Assembly's or Any parts of them have Liberty so to Do And that the Clerk furnish Copys for Reasonable fees to the person or persons who shall desire the Same And in Case Such Copys should be wanted when there is no General Assembly subsisting that then the person with whom the General Assembly's Books files And papers shall be left shall have Power And is hereby Authorized to give Such Copys to the person or persons Desiring ye Same for Reasonable fees as abovesaid & Authenticate them by his testimony before a Justice of ye Peace.

The Com^{tte} Appointed to go to Mr Daniel Pierce ye Late Clerk of ye House of Representatives for ye Books Records and Files Plans & papers which were in his hands belonging to ye House of Representatives made Return that M^{r}. Pierce had Delivered to Meshech Weare Esqr. the present Clerk of ye House the Books Records Files Plans & papers Containing ye whole as he inform'd them which were in his hands belonging to ye House of Representatives.

M^{r}. Sec^{y} Came into the house & by his Ex^{ys} Order Adjourn'd ye Genl Ass^{m} till three of Clock P. M.

Fryday Jany 6 1748 P. M.

The House met According to Adjournment.

[P. 110.] The Sec^{y} Came into the House and by his Ex^{ys} Order Adjourn'd ye Genl Ass^{m} till to morrow ten o'Clock.

Saturday Jany 7th 1748 A. M.

Met According to Adjournment.

Voted That the Honble Richard Waldron Esqr Mr Henry Sherburne Junr & Meshech Weare Esqr be a Com^{tee} to make a Draft of An Answer to his Ex^{ys} Messages Respecting ye Negativing A Speaker And Calling in of New Members to vote in ye Genl Ass^{m}. to be laid before ye House as soon as may be

Voted That the following Message be Sent to his Excellency

May it Please Your Excellency

The House have nothing to lay before your Ex^{cy} to Day—They have Chose a Com^{tee} to Draw up an Answer to your Ex^{ys} Several Messages which they will Lay before your Ex^{y} as Soon as may be.

Sent by M^{r}. Weare & M^{r}. March.

Mr Sec^{y} Came into ye House & by his Ex^{ys} Order Adjourned ye Genl Ass^{m}. to Monday next 12 o'clock.

[P. 111.] Monday Jany 9th 1748—

The House met according to Adjournment.

M^{r}. Sec^{y} Came into ye House And by his Ex^{cys} Order Adjourn'd ye Genl Ass^{m} till three o'Clock

Monday Jany 9 1748 P. M.

The House met According to Adjournment

M^{r}. Macmurphy & M^{r}. Knight were Sent to the Councill Chamber to inform his Ex^{y} That there is a Member Appears in the House from Rye who has not been Qualified And pray his Ex^{y} if he thinks proper y^{t} he may be qualified:—Who made Return y^{t} his Ex^{y} was not in the Councill Chamber.

Mr. Sec^{y} Came into the House and by his Ex^{ys} Direction Adjourned ye Genl Ass^{m} till to-morrow, ten o'Clock.

Tuesday Jany 10 1748 A. M.

The House met According to Adjournment.

Voted That the Rev. Mr Langdon be desired to Pray with the House this Morning & so from Day to Day if he Can Attend it During the Sessions And Mr Philbrick was Sent to inform him thereof.

Order'd That Mr Giddings & Mr Knight go to the Councill Chamber And inform his Ex^{y} if he be there that there is a Returnd Member for Dover in ye House who has not been qualified And if his Ex^{y} is not there to inform ye Councill thereof.

[P. 112.] A member of the House inform'd that the Sec^{y} De-

sired that Maj^{r} Davis the Returned member who was not Qualified should go to the Council Chamber to have the oaths administered to him who accordingly went up And then the Sec^{y} Came into the House And informd the House y^{t} Maj^{r} Davis had taken And Sub scribed ye Oaths & Declaration upon which he was Admitted his Seat.

The Com^{tee} Appointed to Draw up an Ans^{r} to his Ex^{ys} Messages laid what they had Prepared before the House which was Read three Times. Richard Jenness Esqr Came into the House as a Returnd Member from Rye.

Ordered y^{t} Maj^{r} Davis and Capt Wentworth go to ye Councill Chamber And inform his Ex^{y} if present if not the Honble Councill that there is a member Appears Returnd from Rye who has not been Qualified & pray y^{t} he may be Qualified.

Mr Sec^{y} Came to ye Door Richard Jenness Esqr ye Member Returnd from Rye went with him to ye Councill Chamber & then Mr Sec^{y} Came to ye House And informd that Richard Jenness Esqr had taken And Subscribed the Oaths And Declaration upon which he was Admitted to his Seat.

Then Mr Sec^{y} Came into the House And by his Ex^{ys} Order Adjourned ye Genl Ass^{m} till three o'Clock.

[p. 113.] Tuesday Jany 10 1748 p. m.

The House met According to Adjournment.

Voted That the following Message be Sent to his Ex^{y} ye Governour

May it please your Ex^{y}

With your Ex^{ys} permission we will make a short recapitulation of ye Several Messages pass'd between your Ex^{y} and this House touching your Ex^{ys} Power to Negative a Speaker and Introduce Members amongst us not Warranted by Law Usage or Custom or any other Authority that we Can find. Then we'l make a Short Remark or two on what is past & Suggest a few Authoritys which we think full in Point Against what your Ex^{y} Requires and then give our final Resolution on the Premises.

Your Ex^{y} first sent to this House your Direction to Choose a Speaker we immediately Did it And informed your Ex^{y} what we had done Your Ex^{ys} next message was to inquire whether ye Members as you were pleased to Call them Returned from Chester & South Hampton Voted in ye Choice of a Speaker.

To which we Replyd ye Gentlemen which Appeared from Chester and South Hampton Did not vote in ye Choice of a Speaker.

Then your Ex^{y} was pleased to Send us your Disapprobation of our Choice of a Speaker and to Direct us to proceed to ye Choice of Another And to Declare y^{t} no Choice would be Approved of Unless the persons [p. 114.] who had been Excluded before were admitted to Vote in ye new Choice

To which we Humbly Replyd that as Soon as your Ex^{y} would be pleased to show us your power to Negative a Speaker we would immediately Submit to it & proceed to Another Choice And as Soon as your Ex^{y} would evince to us y^{t} the pretended members had a Right to Sit And Vote in this House we would immediately admit them. But till Such Evidence should be produced both in ye one Case & ye other we Could not See ye way Clear to Comply with w^{t} y^{t} Ex^{y} had Required.

Then your Ex^{y} was pleas'd to Reply y^{t} when your message should be fully obey'd in ye Choice of a New Speaker And the two persons from Chester and South Hampton Admitted to Vote in ye S^{d} Choice that then you should be Ready to Give us a Satisfactory Answer to things we had a Right to inquire into & not till then

Thus Stands ye Case Between y^{r} Ex^{y} & this House And this is ye Seventh day Since ye Session Commenced without our being permitted to enter upon ye Common & ordinary business of ye Province Unless we would yield to y^{r} Ex^{y} two important points of Priviledge which we were and are full in ye opinion y^{r} Ex^{y} had no Right to Demand.

After your Ex^{y} was pleas'd to begin a dispute with us did we not indeavor to shorten it in a Becoming manner.

[p. 115.] When y^{r} Ex^{y} inquired whether ye persons Returnd from South Hampton & Chester were admitted to Vote did we not immediately Answer y^{t} they were not Tho perhaps upon a Critical Examination into ye Rights of Governours it would be found y^{t} y^{r} Ex^{y} had no Right to make Such an inquisition yet how Readily did we yield it And here we would humbly ask why y^{r} Ex^{y} Chose Rather to inquire whether ye persons Returned from Chester & South Hampton Voted than whether ye members Sent from Portsm^{o} & Dover Did—Does not ye Question imply y^{t} y^{r} Ex^{y} apprehended ye Chester & South Hampton persons would not be Admitted And what could such Apprehensions be Grounded on But a Consciousness that y^{r} Ex^{y} had no power to impose them upon us.

Then Sir with Respect to ye message we Sent to y^{r} Ex^{y} Requesting to see y^{r} Power for Negativing a Speaker And Admitting ye two persons from Chester and South Hampton Can y^{r} Ex^{y} imagine y^{t} such a Reply should be Satisfactory to a Senatorian Assembly. your Ex^{y} Required of us what we tho't Unlawfull and therefore we pray'd you would show us your Right to Command & promise As Soon as y^{r} Ex^{y} should do so we would immediately Obey—But Lo, what was ye Reply—That when your Message is fully obeyed you would give us a Satisfactory Answer to what we had a Right to inquire into. What is this but insisting y^{t} we should first take a Leap in ye Dark & then y^{r} Ex^{y} would Order a Light to be held to us y^{t} we might Discern whether we had leap'd Right or wrong.

And now Sir with Respect to ye authority's we promised to Suggest & first in Regard to the Power of Negativing a Speaker we find in Bishop Burnets history of his own times that in ye year 1679 It was said ye House had the Choice of their Speaker in them & y^{t} their presenting ye Speaker was only a Solemn Shewing him to ye King Such as was presenting the [p. 116.] Lord Mayor & Sheriffs of London in the Exchequer but that ye King was bound to Confirm their Choice—Again The point was Setled that the Right of Electing was in the House & y^{t} Confirmation was a thing of Course. Thus far the Bishop. And thus we presume ye Case Stands between ye King and ye House of Commons at this day. If your Ex^{y} Knows it to be otherwise we Beseech you to Communicate it to us y^{t} we may Act According to knowledge for We Abjure all implicit faith in Politicks As well as Religion And are resolved to See with our Own Eyes And Act According to our own Understanding.

Again we find a Grant Made to a Governour of a Neighbouring Province by Letters patent from King William & Queen Mary in the third year of their Reign That he with ye Council And Assembly should make Orders Laws Statutes & Ordinances Directions & Instructions for ye Welfare of ye Province & y^{t} he the Governour should have a Negative Voice upon all Such Orders Laws Statutes and Ordinances & in all Elections & Acts of Government whatsoever to be pass'd by the General Court or Assembly or in Council And Tho' this power is Greater than what we think is Contain'd in y^{r} Ex^{ys} Commission yet his Majesty King George ye first in the twelfth year of his Reign Explicitly Says that no Provision is made in ye Said Letters Patent meaning those above mentioned touching ye Nomina-

tion & Election of A Speaker nor any reservation made for his being Ap-
[p. 117.] proved or Disapproved by a Governour.

Upon y^r Ex^ys Considering what we have offered on this Point We humbly hope y^r Ex^y will be pleas'd to retract your Disapprobation of Our Choice of a Speaker or Shew us that you have a Right to maintain it. As to calling members of Assembly from Unpriviledged places if y^r Ex^y will be Refer'd to President Cutt's Commission which was the first for this Province it will we apprehend Easily End ye Dispute for by it you may See that in ye Very first formation And founding this Government the People were Ordered by ye King to have a hand in it. And while there was no Assembly yet in the Province and the first was to be called for a first there must be the King Says to the President & Councill that within a Limitted time they shall issue a Summons for Convening a Genl Ass^m Observing such Rules & Methods and Appointing such time & Place of Meeting As the Electors shall think fit. And Agreeable to this in forming ye Government of a Neighbouring Province it was Appointed by the Crown that they should have two members from every Town in their first Assembly And that they with the other Branches of ye Legislature should Determine what members should be afterwards Sent to Represent ye Country Towns & Places.

What we would further add is the Custom & Usage of ye Province According to which by y^r Ex^ys Commission Genl Ass^ms are to be Called
[p. 118.] which as we Apprehend has always been that the Admission of Any new member was by Vote or Act of Genl Ass^m And for this we would Refer y^r Ex^y to a Message Sent to y^r Ex^y by a former Ass^m when this Same thing was in Dispute About four years ago.

Upon the whole we Say once more if y^r Ex^y will shew us y^t you have a Power to Negative a Speaker we will proceed to Another Choice And if y^r Ex^y will shew us that you have a Right to introduce Chester & South Hampton Persons into this House Against ye Common Custom & Usage of ye Province We will admit them But in Case no Such Evidences are produced

Voted & Resolved That we do & will Adhere to our Right & Privilege in both those Cases As well as in all other According to ye Laws Usage & Custom of ye Province & are fully Determind not to proceed to ye Choice of Another Speaker nor to Admit the two persons from Chester & South Hampton aforesaid but upon ye Conditions before mentioned And this we Humbly offer as ye final Result of this House Upon these two Points.

The House being inform'd That his Exc^y was confin'd by illness The foregoing message was sent to him by Messrs Sherburne Millet Gilman & Bell who going to his house and being inform'd that his Ex^cy could not be spoken with Desired that the Sec^y might be sent for who going to his Exc^y Return'd and inform'd that his Exc^y directed the s^d message to be left with the Councill. Accordingly the foregoing message to his Exc^y was sent up and deliver'd to ye Council.

[p. 119.] Mr. Sec^y came into the House & by his Exc^ys Direction adjourned the Genl Ass^m till to morrow ten o'clock.

Wednesday Jany 11, 1748—A. M.

The House met according to adjournment. Mr. Sec^{y} came into the House & said he was Directed by the Council to inform the members that the Governours Indisposition was so great and ye illness he was under Remained so high upon him that the message which was sent yesterday could not be communicated to him. But they did not know what might be in ye afternoon.

Mr. Sec^{y} came into House and by his Exc^{ys} Direction adjourned ye gen^{l} ass^{m} till three o'clock.

Wednesday Jany 11, 1748—P. M.

The House met according to adjournment.

Mr. Sec^{y} came into ye House and by his Exc^{ys} Direction adjourned the gen^{l} Ass^{m} till tomorrow 10 o'clock.

Thursday Jany 12, 1748—A. M.

The House met according to adjournment. Capt. Thomson informed ye House y^{t} there was a Gentleman at ye Door from Rumford who desired leave to come into ye House—which was granted, and Capt. Thompson was desired to inform him thereof which he did, and came into the House again & said that the gentleman now Declined to come in at present.

[P. 120.] Mr. Sec^{y} came into ye House and informed the House that Mr. John Chandler who was Returnd upon the Sheriffs writ as a Representative from Rumford had taken & subscribed the oaths & Declaration & Mr. Chandler being with him the Sec^{y} told ye House y^{t} was the man. Mr. Chandler being asked by ye House whether Rumford was a Priviledged place or had any other authority to send a Representative to this House that he knew of than the King's writ—he answer'd No.

Then he was asked by ye House whether it was his desire to have a seat in this House in case he might be admitted contrary to ye usage & custom of ye Province. To which he Reply'd that he did not Desire anything y^{t} would break in upon ye Priviledges of this House. Whereupon it was

Voted and Resolved that untill the s^{d} John Chandler made it appear to this House that the Place for which he is chosen had a Right by Law usage or custom of this Province before the issuing ye King's writ to send a Representative to sit in ye gen^{l} ass^{m} of this Province, he be not admitted to the Priviledge of a seat in this House. Voted unanimously.

Mr. Sec^{y} came into the House & by his Exc^{ys} Direction adjourn'd ye gen^{l} ass^{m} till 3 o'clock.

Thursday Jany 12 1478 P. M.

The House met according to adjournm^{t}.

[P. 121.] Mr. Sec^{y} came into the House by his Exc^{ys} Direction adjourn'd ye gen^{l} ass^{m} till tomorrow 11 o'clock.

Fryday Jany 13, 1748—A. M.

The House met according to adjournment.

A message was sent to the Treasurer by Maj^{r} Davis to Desire the Treasurer to Provide wood for the Assembly.

Mr. Sec^{y} came into the House & by his Exc^{ys} Direction adjourn'd ye Genl Ass^{m} till three o'clock.

Fryday Jany 13, 1748 P. M.

The House met according to adjournment.

Mr. Sec^{y} came into the House and by his Excellencys Direction adjourned the Genl Ass^{m} till to morrow 10 o'clock.

Saturday Jany 14, 1748—A. M.

The House met according to adjournm^{t}.

Mr. Sec^{y} came into the House and by his Exc^{ys} Direction Prorogued the Genl Ass^{m} till Monday next 12 o'clock.

Monday Jany 16, 1748—

The House met according to Prorogation.

Mr. Sec^{y} came into the House & by his Exc^{ys} Direction adjournd ye Genl Ass^{m} till tomorrow ten o'clock.

[P. 122.] Tuesday Jany 17, 1748 A. M.

The House met according to adjournment.

Mr. Sec^{y} came into the House and said he was commanded by his Exc^{y} to acquaint the House that it is his Direction that you proceed immediately to the choice of a Speaker that the business of the Session may no longer be delay'd, and that the new members if any of them are in Town are to have a vote in the said choice.

Ordered Thomas Bell Esq. & Mr. Giddings go up to the Honble

Councill and Desire that the King's writ for calling the present ass^{m} with the Returns thereon be Laid before the House.

Ordered that Maj^{r} Davis and Clem^{t} March Esq. go to the Sec^{y} and desire that a copy of the minit of Council for issuing the writ for calling the present ass^{m} may be laid before the House.

Mr. Sec^{y} came into the House & by his Excellency's Direction adjourn'd the gen^{t} ass^{m} till three o'clock.

Tuesday Jany 17th 1748—P. M.

The House met according to adjournment.

[P. 123.] Ordered That Mr. Macmurphy & Mr. Philbrick go up to ye Council Chamber & inform his Exc^{y} if there and if he is not there inform ye Council That Edward Hall Esq. appears in the House as a member return'd for New Markett who is not Qualified & pray that he may be Qualified.

Edward Hall Esq went to the Council Chamber and then the Sec^{y} came into the House and inform'd ye House that Edward Hall Esq. the Return'd member for Newmarkett had taken and subscribed the oaths and Declaration where upon he was admitted his seat.

Voted, That the following message be sent his Ex^{cy} the Governour in answer to his message of this day directing that we immediately proceed to the choice of a Speaker, that ye Business of the Session be no longer delay'd, and that the new members if any of them are in town are to have a vote in the said choice.

May it please your Excellency.

After the maturest consideration on your Exc^{ys} Disapprobation of our choice of a Speaker and your Exc^{ys} Indeavour to introduce members into this House from unpriviledg'd Places of your own mere Pleasure, we [P. 124.] made a full and final Resolve on those Points, and that ye Business of ye Province might not be delay'd Sent it your Exc^{y} this day Sev'ni^{t}, to which Sir we pray you to be Refer'd it being our fix'd Determination to adhere thereto.

The foregoing message was sent to his Ex^{y} by James Clerkson Thos Davis & Clem^{t} March Esqs.

Mr. Sec^{y} came into the House and by his Ex^{ys} Directions adjourn'd ye Genl Ass^{m} till to morrow 11 o'clock.

Wednesday Jany 18, 1748—A. M.

The House met according to adjournm^{t}.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} till three o'clock.

Wednesday Jany 18, 1748—P. M.

The House met according to adjournm^{t}.

Voted That the following message be sent his Ex'^{y} the Governour.

May it please your Excellency

Considering the Present Situation of our Publick affairs, which have at best But an uncomfortable aspect on his Majesty's good subjects of this Province, We crave leave to Remonstrate to your Excellency.

[P. 125.] We are now in the third week since we were convened and might have done a considerable part of the Provincial Business before this time, had not your Exc^y Restrained us.

On Tuesday the tenth Inst^t we sent your Exc^y our final Result upon your Disapproving our choice of a Speaker & Introducing members into this House without Law usage or Custom to warrant the same or any other authority that we know of.

From ye tenth Inst^t to ye seventeenth we were silent & patiently waiting for your Ex^ys farther Pleasure without having any thing from your Ex^y but your messages to adjourn this House once or twice a day and one Message to Prorogue us—Save that yesterday we had a message from your Ex^y Directing us to choose a Speaker and to admit the new members if any of them were in town to vote in the choice. For answer to this message we pray'd y^r Ex^y to be Refer'd to our Resolve sent y^r Ex^y the tenth cur't to which we were & are Determin'd to adhere.

The case standing thus

We think it now high time to address y^r Ex^y on the common affairs of ye Province and in faithfulness to our constituents and justice to ourselves to say

That we Esteem it necessary to ye weal and well being of ye Province that ye State of ye Treasury & the several funds of our Paper currency be [P. 126] immediately Exam'd into and more especially as your Ex^y was Pleas'd to keep ye Province without an Ass^m from the fourth of June last to ye third of the present month: That ye Province is overwhelm'd with Debt as we have Reason to think and the Publick affairs in a perplex'd condition as we have Reason to fear: That ye Soldiery who scouted & Guarded the frontiers last Summer are crying aloud for their wages which they justly Expected to Receive when they Disbanded—But we were Disappointed: That we think the State of the Loan ought to be forthwith Enquired into & the Interest of that money Disposed of according to the appropriations: That ye Parliamentary Grant to reimburse the charge of the Cape Britton Expedition in our opinion merits the attention and greatest care of a Genl Ass^m that it may be put into proper hands as soon as possible & Disposed of agreeable to the tenor and Intention of the Grant: That the Records of Deeds have been shut up several Days which is a manifest Obstruction to the course of Justice: That there is no person authorized to collect the Excise nor has been for several months past—and finally that there are sundry accounts of long standing Between the Province and Committees now lying open which ought to have been settled before this time.

[P. 127.] We Humbly offer these things to y^r Exc^ys serious consideration hopeing y^r Ex^y will be moved hereby to compassionate the Distressed condition of the Province and no longer keep us together in a State of Inaction, but permit us either to enter upon and proceed in the Business and service of our King and Country, or to Return to our own private affairs.

Past unanimously.

The foregoing message was sent his Ex^y by James Clerkson & Thos Millet Esqs. & Mr. Philbrick Mr. Giddings & Mr. Knight.

The Sec^y came into the House and by his Excellency's Direction adjourn'd ye Genl Ass^m till to morrow Eleven o'clock.

Thursday Jany 19th 1748—A. M.

The House met according to adjournment.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} till three o'clock.

Thursday Jany 19th 1748—P. M.

The House met according to adjournment.

The Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd the Genl Ass^{m} till tomorrow ten o'clock.

Fryday Jany 20, 1748—A. M.

The House met according to adjournmn^{t}.

[P. 128.] Mr. Sec^{y} came into the House and said he was Directed by his Ex^{y} to inform ye House that he had prorogued the Genl Ass^{m} to Wednesday the Eighth Day of February next at ten o'clock A. M. And then in his Majesty's name Declared this House Prorogued.

Wednesday Feby ye 8, 1748—The House met according to Prorogation.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} till 3 o'clock.

Wednesday Feb. 8, 1748 P. M.

Mr. Sec^{y} came into the House, Joseph Blanchard & Thos Packer Esq being with him & Inform'd the House that Joseph Blanchard Esq. & Thos Packer Esq. two members Return'd upon the King's writ had taken the Oaths and subscribed the Declaration.

[P. 129.] Whereupon the said Joseph Blanchard & Thomas Packer Esqs Moved for a seat in the House and to be heard to shew that they had a Right thereto. Coll^{o} Blanchard moreover said, that since his coming to Town he had the favour to obtain a copy of an Instruction to his Ex^{y} which he tho't gave him a Right to a Seat in this House which he desir'd Leave to Read and after a short withdraw by order of the House they were Readmitted and being inform'd that they had the Leave of the House to offer what they tho't proper to shew that they had a Right to a Seat in this House Mr. Packer Produced a paper which he Read and being Desired to lay the same on the Table said he would Lend it: Copy of which is as follows.

By the Lords Justices.

BEDFORD
MONTAGU
PEMBROKE

GOWER C. P. S.

Additional Instruction to Benning Wentworth, Esq. his Majesty's Governour and Commander in Chief in & over the Province of New Hamps^r in New England in America, or to the Commander in chief of the said Province for the time being.

[p. 130.] Given at White Hall the thirtieth day of June 1748 in the twenty second year of his Majesty's Reign.

Whereas it hath been Represented unto his Majesty that you having in his Majesty's name and by vertue of your Commission Issued a writ to the Sheriff of the Province under your Government commanding him to make out Precepts Directed to the Selectmen of certain Towns Parishes & Districts therein mentioned for the Election of fit Persons qualified in Law to Represent them in the General Assembly appointed to be held at Portsmouth within the said Province on the 24th Day of January 1744-5 By which writ the Towns of South Hampton and Chester and the Districts of Haverhill and of Methuen & Dracutt, and the District of Rumford were Impowered to choose Representatives as aforesaid—The said General Assembly did Refuse to admitt the Persons duly Elected to Represent the said Towns and Districts, to sit & Vote in the choice of a Speaker: And Whereas the Right of sending Representatives to the said Assembly was founded originally on the Commission & Instruction given by the Crown to the Respective Governours of the Province of New Hamps^r and his Majesty may therefore lawfully Extend the Priviledge of sending Representatives to Such Towns as his Majesty shall Judge worthy [p. 131.] thereof—It is therefore his Majesty's Will and Pleasure and you are hereby directed and Required to Dissolve the Assembly of the Province under your Government as soon as conveniently may be and when another is called to Issue his Majesty's writ to the Sheriff of the said Province commanding him to make out Precepts Directed to the Selectmen of the Towns of South Hampton and Chester, the Districts of Haverhill and of Methuen & Dracutt and the District of Rumford, Requiring them to cause the freeholders of the said Towns to Assemble to Elect fit persons to Represent s^d Towns & Districts in General Assembly in manner following, viz. One for the Town of South Hampton, one for the Town of Chester, one for the District of Haverhill one for the District of Methuen & Dracutt, One for the District of Rumford,—And it is his Majesty's further Will and Pleasure that you do support the Rights of such Representatives when chose, and that you do likewise signify his Majesty's Pleasure herein to the members of the said General Assembly.

Extract of that part of his Majesty's Additional Instruction Determining ye Right of sending Representatives to such new Towns as his Majesty shall Judge worthy thereof to be in the Crown.

Pr. Theodore Atkinson, Sec^y.

[p. 132.] Mr. Sec^y came into the House & by his Ex^ys Direction adjourn'd the Genl Ass^m till to morrow ten o'clock.

Thursday, Feby 9, 1748—A. M.

The House met according to adjournm^t.

Mr. Sec^y came into the House and by his Exc^ys Direction adjourn'd ye Genl Ass^m till three o'clock.

Thursday Feby 9, 1748—P. M.

The House met according to adjournment.

Wm. Frost, Esq. Bro't into the House a Petition from sundry Inhabitants of New Castle & Rye Representing illegal proceedings in the Election of Thos Bell & Richard Jenness Esqs to be Representatives and praying that they may be Dismiss'd from this House, &c. which is on file.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd the Genl Ass^{m} till to morrow 10 o'clock.

Fryday Feby 10, 1748—A. M.

The House met according to adjournment.

Voted That the Honble Richard Waldron, Esq. Thos Millet Esq. James Clarkson, Esq. Coll^{o} Peter Gillman & Mr. Henry Sherburne, [P. 133.] be a Committee of this House and that they or the major part of them forthwith prepare an Address to his most Excellent Majesty Representing the Grievous and Distressed State of this Province in General and in particular they take notice in it of a late partial Representation, to say no worse of it, made to his Majesty by some person or persons unknown, to the Prejudice of this Province and to pray for Relief That the said Address when prepared be laid before the House if sitting for their approbation But if not siting then the said Address to be signed by the said Com^{tee} or the major part of them in the name of the House and forwarded with all possible Dispatch.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd the Genl Ass^{m} till to morrow ten o'clock.

Saturday Feby 11th 1748—A. M.

The House met according to adjournment.

Mr. Sec^{y} came into the House & Delivered the following written Message from his Excellency the Governour, viz.

[P. 134.] Province of
New Hamps^{r}.

To the members of the Assembly Return'd
on his Majesty's writ to serve in General Assembly:

On Wednesday the 8th curr^{t} the Sec^{y} deliver'd my order to Coll^{o} Joseph Blanchard and Thomas Packer, Esq. two members duly Elected & Qualified to sit and vote in General Assembly, an authenticated Copy of his Majesty's Additional Instruction, Given at White Hall the 30th June 1748, Wherein his Majesty's Right of sending Representatives to such new Towns as he shall think worthy thereof is fully & amply set forth.

The said Instruction was given to Coll^{o} Joseph Blanchard & Thos Packer Esqr to support their Election and the Election of the other new Members from the several Towns & Districts in obedience to the Royal commands

therein signified to me & that the members of the Assembly might be fully apprised of the contents thereof. Notwithstanding his Majestys said Instruction lay in the House two days, yet the members from the new Towns have hitherto been refused a seat with the other members which is in Direct Disobedience to his Majesty's commands, and will be Esteemed the Highest contempt of his authority.

[P. 135.] You are therefore Strictly required forthwith to receive such of the new members as are duly Elected & Qualified that are in Town, and to proceed to the choice of a Speaker and when chosen to present him to the Chair that the Publick business may suffer no longer delay.

B. WENTWORTH.

Council Chamber in
Portsmouth, Feby 11. 1748-9.

Upon which message it was moved to send to the Secy for the Precepts issued by ye Sherriff to ye selectmen of ye new Towns and Districts for the choice of Representatives for the present Genl Assm with the Returns thereon and the Clerk was Desired to ask ye Secy for them who Accordingly did and then inform'd the House that the Secy said those writs were not lodged in his office but were with the Sherriff.

The Door keeper came into the House & said Colo Blanchard & Mr. Packer were without & Desired admission into the House. Upon which Majr Davis one of the members was directed to inform those Gentlemen that they had the Leave of the House to come in who came accordingly and Mr. Blanchard said to the following purpose, viz.

That when they came here a few days ago to claim a seat in this [P. 136.] House they bro't a copy of an Instruction with them to support their Right which copy they then Lent ye House, but having afterwards withdrawn it and having *& having* made the use of it they had occasion for had now bro't it in again and the House might have it if they Pleas'd—to which it was reply'd, As it was his he might do with it as he pleas'd. Whereupon he Laid it on ye Table & then withdrew as did Mr. Packer with him.

The Sherriff of ye Province being called into the House was desired to lay the Precepts which he sent to new Towns & Districts with the Returns thereon before the House: Reply'd that he would consider of it—and after withdrawing and tarrying a few minutes Return'd and said, That when this House was Duly settled & Qualified to act he would lay those papers before them but not till then.

Mr. Secy came into the House and by Exys Direction adjourn'd ye Genl Assm till Monday next ten o'clock in ye forenoon.

Monday Feby 13, 1748—A. M.

The House met according to adjournment.

[Adjourned till 3 o'clock. Again met. Adjourn'd till Tuesday,
[P. 137.] 10 o'clock. Met and adjourned till 3 o'clock P. M.]

Voted, That the following Message be sent his Excellency the Governour.

May it please your Excellency—

On Saturday last just before we were adjourn'd we received your message of that days date by Mr. Secretary wherein your Ex^y tells us that the Secretary delivered by your order to Coll^o Joseph Blanchard & Thomas Packer Esqr two members duly Elected & qualified to sit and vote in general Assembly An authenticated copy of his Majesty's Additional Instruction wherein your Excellency is pleas'd to say His Majesty's Right of sending Representatives to such new Towns as he shall think worthy thereof is fully & amply set forth. and further that the said Instruction was given to Coll^o Joseph Blanchard & Thomas Packer, Esqr to support their Election, &c.

If your Excellency intended the abovementioned copy as a message to the general Assembly & the abovementioned gentlemen to be the messengers they fail'd to Execute the trust, for nothing of that kind was suggested by them, but on the contrary Coll^o Blanchard said he had the favour to obtain that copy: and after it was read they were carrying it off as their property—but upon the Speakers Desiring it might be left with ye House [p. 138.] Mr. Packer Reply'd he would lend it. and laid it on the Table, and two days after it was demanded and deliver'd to the owner or owners.

If your Ex^y did not intend it for a message to the general Assembly then we presume you do not Expect that we should take notice of it as such: Nor can we think your Ex^y did intend it as a message if it was anything we have a right to Inquire into, because your Excellency told us four or five weeks ago that you would not give us any answer to any thing we had a right to Inquire into till we had chose a new Speaker & admitted two persons from South Hampton & Chester to vote in the choice,—which we have not yet done.

But further with respect to the copy aforesaid your Ex^y calls it in your Saturday's message an authenticated copy of his Majestys Additional Instruction, by which we understand a copy of the whole Instruction. But Mr. Secretary in his attestation of it calls it but a part, his words are these: "Extract of that *Part* of his Majesty's Additional Instruction," &c. If there be a Repugnancy between your Ex^ys message and Mr. Secretary's attestation we leave it with your Ex^y to Reconcile the difference, and at the same time assure your Excellency that whenever you shall lay the whole Instruction before us we will treat it with the utmost defference Respect and Regard and act upon it in such a manner as becomes the most dutifull subjects, being Determin'd to do in this case and all others (we shall have cognizance of) that which will most tend to promote the Honour of the Crown and the benefit of the subject, which we are persuadid will be most acceptable to his Majesty who is a tender father and gracious King.

What your Ex^y is pleas'd to say as herein before recited, viz. That those gentlemen are members Elected & Qualified to sit and vote in gen^l Assembly, that the aforesaid copy was given them to support this Election &c. [p. 139.] and that in the said copy is set forth his Majesty's Right of sending Representatives *to* such new Towns as he shall think worthy thereof, we must take leave to Refer to your Ex^y for an Explanation. For how his Majesty's Right of sending Representatives *to* such new Towns as he shall think worthy thereof can support an Election of those Gentlemen to sit & vote in this Assembly is as far beyond our comprehension as it is out of our Power to reconcile *to* & *from* to one meaning and make them convey the same idea—Beside, Sir, we must take leave further to say that it is really a matter of wonder to us that your Excellency should think that the copy which was lent us as aforesaid could support the Election of those gentlemen who are return'd from Places not so much as mentioned in the

said copy Except Methuen which is one of the two places from which Mr. Packer is Return'd.

As to your Excellencys charging us with Direct Disobedience to his Majestys commands and saying it will be Esteem'd the Highest Contempt of his Majestys authority, We reply that we are sorry your Ex^y chose to signify your mind to the Assembly in such severe terms: However, Sir, we are not Dismay'd having consciences void of offence in this matter and we doubt not but we shall be able to sit this controversy in so just and clear a light before his Majesty as to avoid the Reproach of Disobedience and contempt which your Ex^y has so freely Bestow'd upon us and Instead thereof to obtain his Majesty's Royal approbation of our conduct through the whole of this important and very Extraordinary affair.

As to our Proceeding to a new choice of a Speaker we have more than once signified the mind of the Assembly to your Ex^y on that head to which we pray you to be refer'd for an answer to that part of your Message more Especially till your Excellency shall be pleas'd to shew us your Power to Negative the choice already made.

[p. 140.] Mr. Sec^y came into the House and by his Exc^ys Direction adjourn'd the Genl Ass^m till to morrow ten o'clock.

Wednesday Feby 15th 1748—A. M.

The House met according to adjournment.

The message which was yesterday Voted to be sent his Exc^y the Governour was this day sent by Coll^o Gilman, Mr. Philbrick Mr. Hall & Mr. Macmurphy.

Mr. Sec^y came into the House and by his Ex^ys Direction adjourn'd ye Genl Ass^m till three o'clock.

Wednesday Feby 15, 1748—P. M.

The House met according to adjournment

Mr. Sec^y came into the House and Deliver'd the following written message from his Ex^y viz.

Province of }
New Hamps^r }

To the members of the Ass^m return'd on his Majestys Writ to serve in General Assembly—

If in any manner you have had his Majestys Instruction Given at White Hall June 30th 1748 signified to the members of the Genl Ass^m Determining the Right to be in the Crown of Lawfully Extending the Priviledge of sending Representatives, to such new Towns as his Majesty shall Judge [p. 141.] worthy thereof, it was all his Majesty intended, when I am commanded by said Instructions to signifie his Majestys Pleasure therein to the members of the said Genl Ass^m.

As to the method of Doing it, and time when I hope I may be permitted to be the sole Judge and therefore you may not Expect any other part of the Royal Instruction than what has been laid before you. The Kings Instructions being to govern me & for you to obey.

You seem to cavell at the Language of the Royal Instruction, but when you will give yourselves time to cool a little I am perswaded you will find the English to be Sterling, and that it needs no further Explanation.

It will be needless to put the people you Represent to any further expence in disputing about the names of the Towns the members are call'd from which you have hitherto refused a seat with the other members; Because I have by vertue of my Commission called them from such Towns as I tho't worthy thereof—and if I had thought ten other Towns worthy of sending Representatives I should in obedience to the Royal Instruction have supported their Election as zealously as I shall the Election of Coll° Blanchard & Mr. Packer and the other new members; In the Execution whereof I am sure of his Majesty's approbation, and as sure that your conduct will be Esteem'd the Highest Act of Disobedience, and [p. 142.] if you could but lay aside the strong Prejudice some of you brought with you, you must honestly confess, that you have as far as in your power been striping a sett of honest industrious People of a Priviledge which his Majesty has Determined have an equal Right with yourselves.

I shall pass by the Irregularities & Indecencies of the other parts of what you call your message of the 14th Instant, and shall only take Notice of what relates to the choice of a new Speaker. The King's Commission and Instructions are & shall be the measure of my conduct in the administration of my government, and by them I have a negative on every act of Government, and consequently full power to Negative one or more Speakers and if my authority will not convince you clearer Evidence may be had at White Hall where some Gentlemen seem very fond of going and where any misconduct of mine will be impartially considered. But I would advise you to be certain of the justness of your cause before you presume so far: For if you should have the misfortune to miscarry it would illustrate my conduct which would neither answer your purposes nor intentions. Be pleas'd Gentlemen once more to take under your consideration how long you have disobey'd his Majesty's Commands in not proceeding to the choice of a Speaker after the Speaker presented to the Chair was Disapproved by me, whereby you have put a stop to the administration of my Government so far as was in your Power.

[p. 143.] Be pleas'd likewise to consider the Error you have made proceeding to debar Gentlemen call'd to serve their King and Country by the same Authority with your selves from a seat in the House of Representatives before you had the least shadow of power to justify you. If you had proceeded against these Gentlemen after you were Qualified to act as a seperate Branch of the Legislature, it might have been less Expensive to the Publick and for which I believe the people you represent would have thank't you. But as you have tho't fit to act otherwise I am Indispensably bound in obedience to the Royal Commands to support the King's Authority in every branch of it and to use my utmost Endeavors in support of his Instructions.

Council Chamber in B. Wentworth.
Portsmouth, Feby 15th 1748-9.

Mr. Secy came into the House & by his Excys Direction adjournd the Genl Assm till to morrow ten o'clock.

Thursday Feby 16: 1748—a. m.

The House met according to adjournment [and adjournd till 3 o'clock, p. m., again met and]

[p. 144.] Voted, That the admission of the Persons Return'd upon the King's Writ to serve as Representatives for the Towns

of South Hampton & Chester, & ye Districts of Haverhill and of Pelham and Methuen, and the Towns of Dunstable, Merrimack, Monson, Nottingham West and the District of Rumford, to sit & vote in this House be suspended till his Majestys pleasure shall be farther known.

Mr. Sec^y came into the House and by his Ex^ys Direction adjourn'd the Genl Ass^m till to morrow ten o'clock.

Fryday Feby 17th 1748—A. M.

The House met [and adjourn'd till 3. P. M., and then adjourn'd till next day, 10 o'clock, A. M., and then adjourn'd till next day, 10 o'clock, A. M.

Saturday Feby 18, 1748—A. M.

The House met according to adjournment.

Mr. Sec^y came into the House and Said it was his Exc^ys Plea sure to Prorogue the Genl Ass^m till the fourth day of April next at ten o'clock in the forenoon, then to meet at this Place, and then in his Majesty's name Declared this House Prorogued.

[P. 145.] Tuesday Apr^l 4th 1749.

The House met according to Prorogation.

Mr. Sec^y came into the House and by his Ex^ys Direction adjourn'd the Genl Ass^m till to morrow ten o'clock.

Wednesday Apr^l 5 1749, A. M.

The House met according to adjournment

Mr. Sec^y came into the House and by his Ex^ys Direction adjourn'd the Genl Ass^m till three o'clock.

Wednesday Apr^l 5th 1749, P. M.

The House met according to adjournment

Mr. Sec^y Bro't down the following written message from his Ex^y the Governour, viz.

Province of New Hamps^r } To the members Return'd to serve in General Ass^m from the Respective towns by vertue of the King's writ.

Gentlemen

Your repeated Refusal to comply with my orders in proceeding to the Choice of a Speaker in the Room of Richard Waldron Esqr who I Disap-

proved of and the Disregard you have shown to his Majestys Instruction Given at White Hall June 30th 1748 commanding me to call in six new members from several Towns & Districts within this Province and to support their Election when chosen made it necessary for me to give several Prorogations to the Genl Assm hopeing thereby you might maturely consider of your past misconduct & come to a due sense of your Duty to his Majesty & not give any further occasion for delaying the King's Business.

[p. 146.] A due obedience to the Royal commands is what his Majesty may reasonably expect from his Plantations, and it is as reasonable to conclude that his Majesty requires all his subjects in the Respective Colonies in their several Capacities to be aiding and assisting to his Governours in carrying the Royal Commands into Execution, all Pretences or Excuses to the contrary will avail nothing, but must be construed in the strictest sense as acts of Disobedience, and are absolutely against the true Interest of the People, who finally will be the only sufferers. I shall therefore give you further time to deliberate on the duty you owe to your Sovereign and what I Esteem to be the true Interest of the Province.

B. Wentworth.

Council Chamber in
Portsmouth 5th Aprl 1749.

Mr. Secy came into the House and by his Exys Directions adjourn'd the Genl Assm till tomorrow ten o'clock.

[Met and again adjourned till]

Fryday, April 7th 1749, A. M.

The House met according to adjournment.

The Committee appointed to make a Draft of an address to his Majesty prepared one accordingly which they laid before the Genl Assm which was Read & accepted, and ordered that the same should be forwarded to his Majesty with all possible Dispatch by the said Comtee.

To the Kings most Excellent Majesty

The humble Address of the General Assembly of your Majesty's Province of New Hampshire in New England in America.

[Copied from MS. Addresses to the King, pp. 74–82.]

Most Gracious Sovereign

We your Majesty's most dutifull and loyal subjects implore your Permission to Spread before your Majesty the unhappy and distressed state of this Government, under the Administration of Mr. Wentworth the present Governor humbly intreating your Majesty to hear our Supplication and to grant us relief.

On the 24th day of January in the year of our Lord 1744, a General Assembly was convened in this Province by your Majestys Writ, and there appeared then among the Members five persons who came from places not privileged to send Members to the Assembly by your Majesty's Commission to the Governor, or by any Instruction that he would make known or by any Law, Statute or ordinance of this Government, but contrary to the ancient usage and custom thereof; upon which Considerations, and its appearing that the Governor had made an attempt to extend your Majesty's Power further than he was authorized to do, by his Commission or any Instructions that he could or would shew, and moreover, in consideration that those unprivileged Places, had never petitioned the Legisla-

ture to authorize them to send Representatives to the Assembly, nor in any manner signified the least Desire of that kind, the said five Persons were refused a Seat in that Assembly, which was dissolved the third Day of May following, having been continued by several Adjournments about three months and ten days: This was the Assembly that made the generous and unasked Grants of Money to your Majesty for carrying on this Province's part of the extraordinary and successfull Expedition against Cape Briton, and this was their reward from the Governor, namely soon after they had done it to be dissolved.

On the 5th Day of June 1745, another Assembly was convened in pursuance of your Majesty's Writ, but we presume, from a consciousness in the Governor, that he had before extended your Majesty's Power beyond what he had your Majesty's order or leave to do, he made no second attempt of the like kind at that time, and so no contest of that sort interrupted the Provincial affairs during the continuance of that Assembly which was three years or thereabout, tho' he made several attempts of other kinds during that space as well as before, and since, which have occasioned a general Dissatisfaction and uneasiness throughout the Province.

On the third Day of January last another Assembly was convened by your Majesty's Writ when several persons from unprivileged places, appeared among the members, as in the year 1744, without our knowing from the Governor or having the least intimation, any other way that it was your Majesty's pleasure the number of the Assembly should be augmented, whereupon we refused to admit those Persons to sit and vote with us as the former Assembly had done, in the year 1744.

After our choosing a Speaker by the Governor's Order, and informing him whom we had chosen, he sent a member of Council to inquire whether the Persons return'd from Southampton and Chester voted in the choice, (they being all the persons then in Town return'd from unprivileged Places) we immediately replyed that they did not vote in the Choice of a Speaker.

Then he sent a message by the Secretary signifying his Disapprobation of our choice of a Speaker, directing us to proceed to the choice of another, and declaring none should be approved unless those two Persons had a vote in the choice.

We immediately rejoyn'd in another Message to the Governor, that as soon as he would show us his Power to negative a Speaker, we would proceed to the choice of another, and as soon as he would evince to us that those Persons who came from Southampton and Chester had a right to sit in the General Assembly we would admit them.

To which he reply'd, that when we had obey'd what he had commanded, in regard to the choice of another Speaker and admitting those Persons who came from Southampton and Chester, he would give us satisfaction in the things we had a right to inquire into, but not till then.

This we apprehend, was such a peculiar Reply and so much Mr. Wentworth's own, that no other Governor in your Majesty's Dominions could in a like case have devised such.

Thus the Matter stood, the Country distress'd, the Assembly perplex'd, and all our Provincial affairs at a dead stand, till the 18 Day of said January, we not having yet had one single Hint of an additional Instruction touching the Admission of Members from the new Towns into the Assembly.

Then we address'd the Governor, earnestly beseeching him to permit us to enter upon, and proceed in the common and ordinary Busyness of our King and Country, or to return to our private affairs; shewing at the same time, that there was no Collector of the Excise, that the office of Recorder of Deeds was shut up, and the course of Justice thereby obstructed; that the Treasurer's accompts had remain'd a long time unset-

tled, that the soldiers who guarded the frontiers last Summer were crying aloud for their wages, and no Provision made to pay them, that no care had yet been taken to bring over the Money granted by the Parliament to reimburse the Charge this Province had been at in the Cape Breton Expedition, in order to sink our paper Currency.

These Inconveniences to the Government are principally owing to the Governors keeping the Province without an Assembly from the fourth of June to the third of January, being seven Months.

To the Address abovemention'd, the Governor made no reply, but two Days after it was sent him, viz. on the twentyeth of January, he prorogued the General Assembly to the eighth Day of February following.

At which time we again met, when two gentlemen said to be chosen by some of the new places, and who had not appeared before, came to the Assembly and demanded a seat with us, saying they were chosen by virtue of the King's Writ, and one of them added, That since his coming to Town he had the favor to obtain a copy of an Instruction which he supposed would entitle him to a seat in the Assembly. The copy was read, and at the Desire of the Assembly left with them, one of those Gentlemen saying he would lend it.

This was the first Intimation we had of an Instruction for calling representatives from new places tho' we had sit sixteen days before the Assembly was prorogued, and a second session was now begun, and notwithstanding also the Governor was expressly required thereby to signify your Majestys Pleasure therein to the members of the Gen[l] Assembly.

As soon as we had the said Copy (tho' in such a Manner) we immediately entered upon the Consideration of it, as we esteem'd ourselves in Duty bound to do, but it was recall'd two days after it was lent us, and re-delivered to the Lender.

We thought it our Duty also not to be sudden in our Resolve, but to wait, and see whether the Governor would communicate to us the said Instruction in a parliamentary Way, and more especially, as what was lent us appeared by the Secretary's attestation to be but a Copy of Part of the Instruction.

On Saturday the eleventh of February the Govern[r] sent us a Message by the Secretary (but no Copy of the Instruction) informing, that on the eighth Currrent he had ordered the Secretary to deliver to Col[o] Blanchard and Mr. Packer an authenticated Copy of his Majesty's additional Instruction, in order to support their Election, and the Election of the other new Members, requiring us to receive them immediately and proceed to the choice of a Speaker.

Upon which we sent to the Secretary desiring that the Precepts which the Sheriff had issued to the new places for the choice of representatives and the Selectmen's Returns thereon, might be laid before the Assembly, to which he reply'd they were not lodg'd in his office, but were with the Sheriff, tho' it appear'd by your Majesty's Writ, then lying before us, that the Sheriff was expressly required to return his Precepts, with the respective Selectmen's Returns thereon into the Secretary's office, together with your Majesty's Writ, yet this had not been done, altho' thirty Days were laps'd, since the return Day.

Being thus frustrated in obtaining those Precepts and Returns from the Secretary's office, we apply'd directly to the High Sheriff for them, that we might be the better enabled to judge, whether all or any of the Persons who came from the new Places and claim'd a seat in the General Assembly were chosen and return'd in pursuance of, and agreeable to your Majesty's Instructions, more especially we thought it necessary to see those returns which the Select Men had made to the High Sheriff, as he (being the returning officer) had return'd himself to represent two of the new Places; but the Gentleman (to our great surprise) answered, that when we were duly settled and qualifyed to act, he would lay those Papers before us, and not till then.

This, we apprehend is such an Instance of arbitrary judicial Power, assumed and exercised by an executive officer, as is not to be parallel'd in any of your Majesty's British Dominions, nor do we think he would have made so majesterial a Reply, but in confidence of being supported in it by the Governor who is his brother-in-law.

The case standing thus:

1. That the Assembly was convened the third Day of January, continued sitting to the twentyeth and then prorogued to the eighth of February, before we heard any thing of your Majesty's Instruction.

2. That then a Part of it onely was brought and lent us, for two Days, not sent by the Governor.

3. That the High Sheriff, who was the returning officer had not return'd the Precepts which he issued to the respective select men, with their returns to him into the Secretary's office, as your Majesty's Writ required him to do, when thirty days were pass'd after the return day.

4. That the said returning officer, refused to lay those Precepts, and the respective selectmen's returns on them before the General Assembly, tho' requested so to do.

5. That the Governor had sent for one Representative from five distinct Places, which were to unite in the choice, not one of which places is mention'd in the copy of that Part of the Instruction which was lent us; and for another from two other Places, which were to unite also in the choice, one only of the said two Places being mention'd in the said copy.

Lastly, that the Governor told us in one of his Messages, that if he had thought ten other Towns worthy of sending representatives he would have supported their Election: from thence it appeared to us, that he wrongfully infer'd from the said Instruction, (viz.) that because your Majesty might extend your Power, he therefore might extend it; whether he had your Majesty's order or leave for so doing or not; which, if that sh'd be the case, will be one of the most afflictive and distressing circumstances that ever happened to this People, whose Affection, Duty and Loyalty to your Majesty, we think we may with truth say, were not exceeded (if equall'd) by the like number of your Majesty's subjects throughout all your Realms and Dominions.

Forasmuch also, as not one of these new Towns or Districts ever Petitioned for leave to send a representative in the usual way, and so never was deny'd that Privilege.

Moreover as we have the strongest Reason to believe the representation which has been made to your Majesty, and which produced the additional Instruction before mention'd was not only partial but unjust.

Therefore (upon all these considerations) we have taken leave humbly to address your Majesty, in order to set this unhappy controversy in a just and impartial light, having resolv'd first, in obedience to your Majesty's Instruction (so far as it has been made known to us) not to reject the Persons return'd from the new places, but only to suspend the Admission of them till the Governor's Management and Behavior should be fairly stated and laid before your Majesty, and your Majesty's Pleasure further known thereon.

And now, we most humbly beseech your Majesty, that of your great goodness and clemency, no injurious or unjust Representations which have already been, or hereafter may be made against this Province, may induce your Majesty to withdraw your royal Favor from us, unless by an unbecoming conduct or Misbehavior, it should be forfeited, which we pray God may never be the case, nor have we the least shadow of reason to think it ever will.

In particular we humbly request that the General Assembly of the said Province may be continued in their ancient usage and custom of having a vote in the Privileging of Places to send representatives to the said As-

sembly, as there has never been the least colour of Forfeiture, No place that has yet ask'd that Privilege having ever been deny'd it to this Day; which usage and custom by the Favour of your Majesty, and yor Royal predecessors have been enjoy'd Time immemorial.

We further most humbly implore your Majesty if it may stand with your Royal Will and Pleasure considering the wretched and perplexed condition and circumstances in which all our Provincial affairs are involved, and bro't on us, principally by the unreasonable and unskilfull conduct of the Governor, that he may be removed and a Gentleman of more knowledge in Matters of Government, and a better Disposition to cherish the Duty and affection of your Majestys subjects to your Majesty, may be placed in his room.

We are, may it please your Majesty,
your Majesty's
most Dutiful, most obedient and
most Loyal subjects & servants

Portsmo in New Hampshire,
in New England, April 7, 1749.

[The following Address, relating to the same subject, though without date, seems to have been drawn up "by sundry members of the General Assembly;" whether forwarded or not to his Majesty, does not appear.—Ed.]

ADDRESS.

[Copied from MS. "Addresses to the King," pp. 34–44.]

To the Kings most Excellent Majesty in Council.

The Humble Petition of Sundry of the members of the General Assembly of your Majesty's Province of New Hampshire in New England, Shews, That

We your Majestys most Loyal & most Dutifull Subjects, sensible of the many Inestimable priviledges enjoyed by that form of Government under which we Live, among the chief of which we Esteem the Liberty of applying to our Sovereign in all cases of Injury as the fountain of Justice, and gratefully acknowledging your Majesty's Clemency & peculiar Regard to the Grievances of the Lowest of your subjects, Implore your gracious permission to Exhibit some of the unhappy & Distressing Circumstances of this Province Relative to the administration of Government under the conduct & occasioned by what we can't but apprehend to be arbitrary measures Pursued by our present Governor Benning Wentworth Esqr. With whom we would gladly have maintained a good Harmony, could it have been done consistent with our Duty in the place we sustain.

It is with the greatest Reluctance therefore that we have Entered into a Debate with our Governor to which nothing could have Induced us of less consequence than the preservation of those Libertys which by our happy Constitution and the Royal Grace & favour have long been granted & continued to be our Right, and we a free People. We can't but Expect to hear that since the commencement of this Dispute we have been represented as malcontents of a Factious Disposition Influenced only by a party spirit, laden with Inveterate prejudices & acting from no motive but a view to Embarrass the administration & render all Designs & projections for the public good abortive. This is what is easily said, and is frequently thought. When men big with selfish purposes, meet with any opposition, let the principles from whence it proceeds be ever so honest, the Instruments of it seldom escape the odium, the slander & all other ef-

fects of a Furious Resentment in the power of the opposed, due to the most Atrocious Villainies, But as we have always been Sollicitous not only to obtain but also to merit the character of Dutifull Loyal & faithful subjects, as firmly attached to your Majesty's honour & Interests as any within your Dominions, We can with such a consciousness the more chearfully submit our conduct to your Majesty's great wisdom & justice, Whether we have done any thing repugnant to that character.

We have had such a large Experience of yor Majesty's Clemency & Paternal regards for your subjects here, that we can't suppose any Governor over us will ever have your Majesty's countenance in any oppressive measures or such as tend to Innovations in the Constitution & an unjust Incroachment upon our Liberties, Nor that your Majesty will in any Degree be displeas'd with any of your Dutifull subjects here or elsewhere who under ye apprehensions of such an attempt, make a stand & resolutely oppose such measures even though they should be guilty of some undesigned mistakes, in the means they use to obtain that desirable End of preventing such an Infringment. This Experience of your Majestys Grace & favour thro' the whole of your auspicious Reign with the consideration of your Majesty's consummate knowledge of the Nature and Value of that Constitution of Government, of which your Majesty is the head as well as of Liberty in general, makes us with the greater alacrity Refer our selves as our duty Requires to your Majesty's wisdom and goodness for a decision.

That in order to set this controversy in a clear light, it is necessary to observe that most of the public affairs in the several Towns here have always been transacted in & by popular Assemblys, such as the granting, settling & Improving their Land, Electing those called town officers, collectors of Taxes and the like, which made it absolutely necessary these meetings should be under due regulation & government & accordingly in Early times Laws were past by the Assembly for that purpose & were used in manuscript long before any were printed, by which (among other things) certain officers were Enabled to call the Qualified Inhabitants & Freeholders, or the Freeholders only (as the Business Required) together and to regulate the affairs & govern the meeting: And by a law of this kind now in Print Entituled an act for the better Regulating Town & Proprietary Meetings (among other things) it is provided, That all such meetings shall choose a Moderator by the Majority of voters present for the purpose aforesd, who is invested with a power of Fining & Expelling from the Assembly any disorderly persons.

And by another Law of this Province Entituled An Act for the calling & Electing of Assembly men & their Qualifications, It is Enacted that no Assembly shall continue longer than three years; That there shall be fifteen Days at least between the Date of the writ for electing & the choice; That no Person shall serve as a member of the House of Representatives who has not a Real Estate in the Province of the value of Three hundred Pounds; The Qualification of the persons Elected to be determined by the House and no person shall be allowed to vote in the choice of Representatives who has not a Real Estate of the value of Fifty Pounds within the Town Parish or Precinct where he votes—the Qualifications of voters to be determined by the Moderator & Selectmen of the Town, Parish or Precinct or the Major part of them,—But in case of a Difference among them the final decision to be by the House of Representatives. Upon which Laws we would with all humble submission beg leave to observe, that the Moderator of these meetings has no authority but when he is chosen by the Qualified Voters Lawfully called together: That the meeting of the Qualified Voters to transact any affair relating to any Town Parish or Precinct as such is always supposed to be within the Town Parish or Precinct Respectively for which the business is to be done: Thus for instance the choice of Representatives for the Town of Portsmouth must

be made at Portsmouth, and so of any other Business of that Town, that is to be done by Law by an Assembly of the people belonging to it or Freeholders in it; And it never was known from the Beginning of Times here (till very lately in one Instance only) That two or more Towns, Parishes, or Precincts united for such purposes (Excepting the cases hereafter mentioned) But the qualified voters of every place must by the Law hold their meeting at the place they belong to & not Elsewhere: That from hence it follows that there cannot be a Lawfull Assembly of the Qualified Voters of Two or more Towns, Parishes, or precincts (which are to send Representatives to the General Assembly) united in one & the same meeting within one such place either to choose one or more persons to represent them complexly, as several Bodys or Corporations consolidated, nor to choose one or more for each of them severally; for Each must choose severally within their own Jurisdiction: Nor could there be any order kept at such united Meetings. The moderator so chosen could have no power, he could Derive no authority from the Laws which Invest him with sufficient power in other cases, Because in this case he is not Legally chosen, for to every legal purpose Such a meeting would be only a tumultuous Assembly, and all their Transactions a meer nulity, having neither Law to support it nor usage nor custom to give it countenance. There is indeed some few Instances (which are what we intended by the Exceptions above hinted) Where new Parishes have been made by An Act of Assembly (the way they were always made here and throughout New England till our present Governor Assumed such a Power himself) the Parishioners have still had the Liberty of voting with the Town they were sett off from in the choice of Representatives, that is, the Town remains in that Respect & the Parishioners tho' erected into a new Jurisdiction in some Respects are still Inhabitants of the Town and members of the old Corporation, as to this purpose. And in this case there has always been a clause in the Act by which the Parish is set off, Reserving this Privilege to the Parishioners, which shews the sense of the Legislature here, and that they thought it would not be Legal for the Parish & Town to unite in Such a case without an Express power so given.

That on the fourth of June 1748 the Assembly of this Province was Dissolved of course by virtue of the said Triennial Act, from which time to the third of January then next, there was no Assembly in being here, But on that day a new Assembly was convened among whom appeared several persons to represent places which had never before sent members—Upon the Governor's order to proceed to the choice of a Speaker, a question arose among the Representatives of those places known to have had that privilege, and of whom former Assembly were composed, Whether they ought to admit those persons to vote in the choice of a Speaker, until they could be satisfied of the Legality of their Election and Right to vote. And as the Gentlemen themselves could give no account of the matter, but only they were chosen for such places (as they named) Pursuant to a Precept from the Sheriff to their Respective Selectmen, and no other Information was given us, it was tho't wholly as Irregular to admit *them*, as any other Persons who should obtrude themselves at any time on the House & claim a seat there, and therefore we proceeded to the choice of a Speaker without them, and for that reason the Governor negatived him, & Directed to a new choice & to admit the new members to join in it, which we informed his Excellency we were ready to do, as soon as he would please to show us his power to Negative a speaker, and the Right the excluded members had to a seat in the General Assembly: To which he replyed, that when we had obeyed what he had commanded, in Regard to the choice of a Speaker, and admitting those Persons, he would give us Satisfaction in the things we had a right to Inquire into, but not till then. This appeared to us to be an Implicit

Denial of the right of the House expressly vested by the aforesd act, and Inherent in them by the Constitution, of Judging of the Legality of Elections and purging their own members; and Equivalent to requiring absolute obedience in a case wherein all former Assemblys have claimed and Enjoyed the Right of Exercising their own Judgment, and acting agreeable to it. Here we would beg leave humbly to observe, That we apprehend the Members of the Assembly have a right to be informed by what authority any new place claims the privilege of sending a Representative, and by what right any man pretending to be such supports or proposes to support his claim, even before they choose a Speaker and are form'd a House, to prevent Imposition & the obtruding such as can have no Foundation of such a Right, joining and as it may happen choosing the Speaker for them, if a more particular Examination of the Elections & all process Relating thereto should be suspended & Reserved till after they were so formed.

That on the 18th of January we address'd the Governor, Earnestly requesting him to permit us to proceed to Business, Representing the necessity of it from the consideration of the State & condition of the public affairs, as that there was no collector of the Excise upon strong Liquors granted to your Majesty, the Treasurer's Accounts had Remained a long time unsetled, no provision made for the soldiers, who guarded the Frontiers the last Summer, whose necessitys cry aloud, to which, besides the obligations of common Justice, self-preservation should induce as to attend, as it was a time of War, and we should have further need of their services; the necessity that something should be done respecting the money granted by Parliament on the account of the Expedition against Louisburg, the necessity of Inquiring into the State of the Loan, how the act had been observ'd, with many other things absolutely necessary to be done for the well being of the Province. To which address the Governor did not vouchsafe an answer, but on ye 20th of January Prorogu'd the Assembly, to the eighth of February then next. And here we beg leave to say that all the above mention'd inconveniences might have been either avoided or Redressed, before that time, had not the Province been without an assembly seven months together, a case without precedent here in time of Warr.

That meeting on the 8th of February, two Gentleman (who had not appeared before) came & claimed a seat in the Assembly, saying they were chosen by virtue of the King's writ duly issued, & produced a copy of part of an Instruction (Dated 30th of June 1748, to the Governor to Dissolve the Assembly of this Province as soon as might be, and when another should be called, to issue your Majesty's writ to the Sheriff commanding him to make out Precepts to the Selectmen of the Towns of South Hampton & Chester, the Districts of Haverhill, Methuen & Dracut, and the District of Rumford, Requiring them to cause the Freeholders of the said places to assemble [and choose] fit persons to represent said Towns & Districts in General Assembly, one for each of said Towns & Districts: And to signify your Majesty's pleasure therein, to the members of the said General Assembly. Pursuant to which, they said your Majesty's writ had been issued to the Sheriff And his precepts to the Selectmen agreeable to the Directions thereof, and they were chosen, viz. Joseph Blanchard, Esq. for the Towns of Dunstable, Merrimac, Holles, Monson and Nottingham West, & Thomas Packer, Esq. for Pelham & Methuen. This is the first notice we had of any Instruction relating to this matter, and now not communicated to us by the Governor, but only shown by those Gentlemen as a matter courtesy & favour; Had the whole of said Instruction concerning this affair been reasonably communicated to the members of the General Assembly, as is therein directed, it is without Doubt the present dispute had been avoided, Excepting so far as relates to the Executing this Instruction which has been done in such a manner as we humbly conceive, gave sufficient ground of objection as the sequel will show.

That as it was altogether a new thing among us for so many places *to use a man?*(1) We tho't it our Duty to Inquire into the manner of these Elections, and thereupon desired the Secretary, that the Precepts which the Sheriff had issued to the Selectmen of these new places for the choice of Representatives, and the Returns thereon, might be laid before the Assembly, to which he reply'd, they were in the Sheriffs hands tho' your Majesty's writ commands him to Return them, with that into the Secretary's office, where they might be had, as occasion Requires; and tho' thirty days were now elapsed since this should have been done. Whereupon we applyed to the Sheriff for those Precepts and Returns (which appeared to be still more necessary to Examine, as he had return'd himself as chosen to serve for two of the places) who answer'd, that when we were duly settled & Qualifyed to act, he would Lay those Precepts before us & not till then: which was in effect saying, that after we had admitted an Election to be valid, we might then judge whether it was or not. Whether such a magisterial answer was proper in this case for the Sheriff to give, is humbly submitted.

That said Instruction (so far as we have seen) says nothing of those places, which these two gentlemen said they Represented, and as we understand it, is only declarative of your Majesty's power to extend the priviledge of sending Representatives to your such new places as you shall judge worthy thereof. And not that the Governor ex officio should extend this priviledge at pleasure, to such as he should think worthy,—but that he must have your Majesty's directions to what new places this privilege from time to time shall be extended.

That the Districts here were places added to this by the late determination & Running of the Boundary Line between this & the Province of the Massachusetts Bay, and were soon after Incorporated by a Temporary Act of Assembly here, only for the purpose of taxing the polls & Estates within them to the charges of this Government, until they should be incorporated into Townships by proper Charters.

Methuen & Dracut were one of those Districts, part of which, viz. Dracut, has since been Incorporated into a Township by the name of Pelham, but that Part called Methuen remained upon the Foundation laid by the said Act which has been several times revived, and the last time for three years which expired within seven months after the conveening this Assembly. In this last Act of revival the Districts of Litchfield, Nottingham, & Dunstable, and that part of Methuen & Dracut district, call Dracut, were left out & soon after Erected into Townships: By the afore sd Act for calling an Assembly, it may subsist three years, then by this management, here would have been a Representative in that case for Methuen two years and a half (nearly) after it was Dissolved & without any Legal Existence as a Corporation. *Moreover*, by the writ issued by the Governor for calling this Assembly, the Freeholders of Pelham & Methuen are Directed to unite and choose one Representative for both places, at one meeting to be held at Pelham, and also one for the Towns of Dunstable, Merrimac, Holles, Monson & Nottingham West, at one Meeting, to be held by the Freeholders of said Town jointly, and as members of one Corporation, or Body politic entituled to that priviledge. This, we humbly conceive is utterly illegal being against the Letter & Intention of the Act above mentioned for the calling & Electing of Assembly, &c. contrary to the meaning of all the Laws of the Province relating to the meetings of Freeholders, excepting the case above mentioned, where Towns have been divided into two Parishes, which were before but one, by an Act of Assembly, the two Parishes have united by a special clause in the Act for the chusing Assembly men, managing their common Laws & sometimes only the first of

(1) Evidently something is here omitted—Perhaps it should be, "for so many places" *to unite in choosing* a man.—Ed.

these—that is, they have been Divided by special Acts only as to some purposes, and others remain'd as they were. But there is neither Law nor custom to Warrant such an Assembly as this, called by the said writ of the Freeholders of so many different Towns together, or even of two: and we believe this is the first that ever was heard of in New England;—and had there been any disorders committed at this meeting, the authors could no more have been punished here, than for the like done at any accidental meeting elsewhere.

It is therefore humbly submitted whether Elections made in such a manner can possibly be adjudged regular and supported under the present Constitution; It appearing to us that the Design of your Majesty's Instruction has been quite mistaken, or wilfully perverted, which, with an intent to bring the Assembly to a blind obedience, we apprehend was the Reason why this Instruction was not communicated in the manner it Directs. And this proceedure was not only an Innovation, but Equivalent to a claim of a Power to dispense with the Laws of the Province, at Pleasure.

In this view of the premises, We apprehend that to admit the members and pass over these matters in silence would be giving up the Rights of the Assembly, betraying the Libertys of the people, & submitting to such Arbitrary measures as your Majesty neither expects or desires of any of your subjects, and what in fidelity & with a good conscience we could not do, until better Informed.

That under these circumstances the Governor has kept the Assembly under short prorogations to this day, and nothing has been done, but adding to the Public charges (to be paid some time or other) by their frequent attendance & consequently our calamitys instead of being alleviated have been augmented from that Quarter, from whence compleat redress was justly Expected. In fine, we beg leave humbly to observe, That our objections are not made in this Debate to your Majesty's right & power of Extending this priviledge, as has been represented & Industriously reported, but the several points in Dispute between the Governor & us are these: viz: Whether the Assembly have had not the right of judging and determining of the Legality & Regularity of the Election of their own members, [*denied them.?*] and as a necessary consequence of this, Whether any instruction wherein your Majesty has or may extend the priviledge of sending Representatives to the General Assembly unto new places, ought not to be communicated to the Assembly by the Governor, and the writ by which they are called, and the whole process thereon returned, where the Assembly may have access to it, before they proceed to business.

Whether the Governor's command to the Assembly to receive any members, the Regularity of whose election they are not satisfyed of, and which is drawn into Question, is obligatory upon them & gives the disputed members a Right to vote before that point is determined by them.

Whether the Governor can *Ex Officio* extend the priviledge, of sending a Representative or more to the General Assembly at his pleasure, to what places he Judges worthy of that priviledge, without any Instruction Determining that matter, and as a consequence of this can Diminish the number at pleasure & so model the Assembly to his own standard.

Whether the Governor has a Power to Insert such a clause in your Majesty's writ, and order the Freeholders of two or more Towns to unite in one meeting, and conjunctly choose a Representative, or more, in the manner aforesaid, notwithstanding the Laws afore[sd] & Immemorial custom to the contrary—And Whether the Assembly can consistent with the Laws of the Province, their duty to the people they represent, Parliamentary Rules, (and, which is more & Imply'd in all those) their duty to your Majesty, admit persons so chosen to make part of an Assembly under your Majesty's Government, and an English Constitution—all which is most chearfully & Humbly submitted to your Majesty's Justice, Wisdom & Clemency.

Wherefore upon the whole, your Petitioners with great Loyalty & Submission, most humbly & Earnestly pray, that your Majesty would be graciously pleased to take the case of your good subjects here into consideration, and of your great Clemency & Goodness, continue to them those Libertys and Priviledges they have heretofore enjoyed, & Prevent any Incroachments and undue attempts to diminish them, and particular that the Governor be Directed to communicate such Instructions as relate to their conduct, before they are Required to Act in conformity thereto, that they may not be brought into the Dilemma, Either of Disobeying your Majesty's commands or acting upon an Implicit faith, which has often been insisted on with them.

And in special we would most ardently Deprecate the Governor's having a Descretionary Power granted to him, of adding to the Assembly in the manner aforesaid at his pleasure, and so of forming them to his own mind.

But we humbly pray that your Majesty would be graciously pleased, so to state & limit the number, conditions & circumstances of, & previous to, the extending the priviledge aforesaid to new places, as may be Equivalent to a Law or permit the same to be Regulated by an Act of the Assembly for the future that so valuable a Priviledge and such an Interesting Franchise may not stand on so precarious a Foundation as a Governours Fancy or particular & selfish views; or grant us such other Relief & Redress of our grievances aforesd as in your consummate wisdom and abundant goodness you shall Judge proper. And your Petitioners as by the strongest duty & highest obligations Bound, shall ever Pray, &c.

[The following paper appears to be the draft or outline of an Address to the Freeholders of the Province, relating to the same matters as the foregoing addresses to his Majesty, and serves to throw additional light on the controversy between the Assembly and the Governor.—Ed.]

[Copied from MS. "Addresses to the King" &c. pp. 83–86.]

1st An address to the Freeholders showing the deplorable state of the Province &c. interspersed with all possible expressions of Duty & Loyalty to the King, &c. &c.

2ly State the Dispute, showing it was not with the King, but with the G———

3ly Some animadversions on the Paragraph from Prest Cutts his Commission. If there was no Parenthesis in the original Commiss then the words "as they shall judge most convenient" plainly refer to the persons who are to chuse their deputies; but if the words refer to the President & Council as ——— would have them, then he has not proceedd accordg to sd Commiss for he never consulted the Council in the affair. He says the followg Par: of Pres: Cutts Commiss clearly show &c. & *the utter impossibility of Deriving any power or Priviledge therefrom* —— Wherein they contain great Priviledge.

The Govr by his Commiss is to call Assemb: according to the usage of the Province—wch usage the Printed Journall shews.

The Instruction requires the Govr to send to 5 places by name, whereas he sends to, I think, 10, & Requires 4 to meet together in one to choose one person to Rep. ye 5 wch is contrary to all law & usage & such a meeting could be only a tumultuous Assembly.

The Speaker was unanimously & and not partially chosen. In the first Parag: he allows ye Assemb. were qualified to enter upon business & afterwards he says that they took upon them to exclude 5 members & before

they had got in themselves & adds expressly contrary to his Maj^{tys} Instruc^{n}, when the Assembly knew nothing of any such Instruction.

The next Parag: mistakes the point in ye dispute again, wch was not whether the Elections were due, but whether the places were qualified to send &c. & is not the attempt to send to unqualified places without any Instruction & contrary to all former usage a great invasion on the Priviedges of the people, and the publication of the message a design to amuse & deceive the people? Nobody ever pretend^{d} that his maj^{tys} add. Instruc^{n} were an invasion &c. but that he who attempted to act without such Instructions actually invaded the Rights, &c & that his *producing?* of it in such a manner plainly discovers Enmity agst ye people & an unbound^{d} thirst of the arbitrary Govr.

The Gov^{rs} arbitrary proceedings set the Gov^{t} on fire. If he had consulted the good of the people & not private Interest, none of these difficulties would have happened. He that without any provocation begins a Quarrell must be looked upon as the cause of all the evils that follow. What occasion had he of all men who was introduced at the expense of the people to endeavor to sap the foundation of all Priviledge & in a way wch none of his predecessors ever hit upon.

Had the Govr attend^{d} to his Maj^{tys} Instruction & laid the whole of it accord^{g} to directions therein before the Gen. Assemb. at the open^{g} thereof the difficulties might have been prevented But he did neither.

The unreasonably arb. &c. proceedings of the Govr is undoubtedly the cause of all the evils mentioned, wch the Assembly early warned him of.

The Govr undoubtedly kept the Prov:—— months without an Assembly & afterwards purposely contrived these difficulties to keep them from Acting least they should inquire into the state of the Treasury & thereby discover the very large sums that had been taken out without any due authority, & without doubt with a design to get the money granted to Parliament if possible into his own hands, or at least during these disputes, to make large advantages by the Improvement of it for the benefit of himself & his creatures and that there was an attempt to get the money will appear by T's letter, & if they can share the Interest of £30,000 ster^{g} among them. no wonder if they contrive all possible ways to prevent there being an active Assembly.

The disposall of the laws to strangers & not to the Inhabitants of the Province plainly shews how the money would have been disposed of if ———could have got it & the want of Regard for the true Interest of the people.

Quere. Whether a hint of a scheme some people have who are collecting all the paper currency of the Prov: into their hands in order to get the ster^{g} money & sink it with all the paper currency at once, & cautions to the Freeholders to choose persons to Represent them, that won't come into such a scheme, may not be of use, &c.

The Govr commenc^{d} the dispute & not Assembly and he might consist^{y} with his Maj^{tys} Instruction (especially when he was made sensible in Feby 1748 that he had not attended to the Instruction) have dissolved the Gen. Assemb. & called a new one, & in calling the same exactly attended to the Instruction, & his not dissolving plainly shewed y^{t} he was not willing to have an active Assemb. least (perhaps) they should have made Representations of the Truth where *address?* might be had.

The Govr as he charges the Assemb. with private Int^{s} &c. would do well to point out what private views or self-Inte^{s} they could possibly have.

The Assembly never refused to joyn with ye other branches of Gover^{t}, but they refus^{d} to joyn with Assembly, & here would it be improper to

print the vote of the Assemb. for paying the soldiers wch was sent up, also the vote for a Recorder.

[p. 147.] Mr. Secy came into the House and by his Excys Direction adjourn'd the genl assm till three o'clock.

Fryday, Aprl 7, 1749, p. m.

The House met according to adjournment.

Mr. Secy came into the House and said he was Directed by his Excy the Governor to acquaint the House that he had prorogued the genl assm till Wednesday the 19th Instant then to meet at Portsmo.

Wednesday, Aprl ye 19th 1749. The House met according to Prorogation. [and was adjourned from day to day till Aprl 21, p. m., and was then Prorogued by his Excys Direction till Tuesday the ninth of May next.]

[p. 148.] Tuesday May 9th 1749.

The House met according to Prorogation. The Honble Saml Smith, Esq. Bro't Down a written message from his Exy the Governor which is as follows, viz:

Gentlemen,

You having Refused to proceed to the choice of a Speaker in the room of Richd Waldron Esq. who I disapproved of, and the necessity I was under to have a due obedience paid to his Majesty's Additional Instruction given at White Hall the 30th of June 1748, made it necessary for me to keep ye Genl Assm under Prorogation to this day which is more than four months. It will now be very pleasing to me if I meet you disposed to pay a due obedience to his Majesty's commands, and what I have been so long [p. 149.] waiting on you for, That no farther impediment may be given to the Public affairs and that I may be Prevented from laying the obstructions I have met with in the administration of my Government before his Majesty whereby greater Prejudices may arise to the People you represent than you may conceive of.

B. Wentworth.

Council Chamber in
Portsmo May ye 9th, 1749.

Mr. Secy came into the House and by his Exys Direction adjourn'd ye Genl Assm till to morrow ten o'clock.

Wednesday May 10, 1749, A. M. [Met and adjourned till 4 o'clock, P. M. when the following message was read.]

May it Please your Excellency.

We received your message of the fifteenth of February last to which we had voted an answer but before it could be copyed we were Prorogued which prevented your Excellency's having it. Wherefore we now take leave to make a reply to it, tho' perhaps it may seem a little out of season; yet when it is considered that it is in your Ex^ys Power to prorogue the Assembly as soon as you have sent them a message, and thereby prevent their giving an immediate answer, we hope it will not be tho't impertinent if we catch any opportunity that we can to vindicate ourselves [P. 150.] from any injurious or undeserved imputations and to justify our conduct. Your Ex^y says If we have had his Majesty's Instruction signified to us in any manner it is all his Majesty intended, which is a plain Intimation that some how or other we have had the whole Instruction signified to us: yet a few lines after, your Ex^y says we may not expect any other part of the Royal Instruction than what has been laid before us, which implys that the whole has not been signified to us: Again your Ex^y gives for Reasons why we may not Expect any other part of it that you are the sole Judge of the method of signifying it to us and the time when.

Now how it consists that we have had the whole of the Instruction and that we have had but a part of it, and that we may not expect the Remaining part because your Ex^y is Judge when it shall be laid before us is what we cannot comprehend.

Your Ex^y charges us with cavelling at ye language of the Royal Instruction, and says when we are cool we shall find the English to be sterling. We are quite sorry your Ex^y was so much mistaken as to take what we said for cavilling to fix it too on the Royal Instruction, and to fancy that we wanted a cooling. Our remarks were natural, they were plain and easy to be understood and therefore not a cavil; they were not made on the Language of the Royal Instruction, but far Eno' from it, for they were on your Ex^ys message, and if the English of it was sterling (we borrow your Ex^ys word) we hope it will be of no offence to say your argument did not appear to us to be of the same coin.

As to our being cool, perhaps your Ex^y tho't that the ill state of our provincial affairs and the means by which they were brought into it had raised a warmth in the Representatives of a Distressed people,—be that as it will we can't think that your Ex^y had ye least Reason to imagine it [P. 151.] had got to such a Pitch as that we needed a cooling.

Your Ex^ys caution against puting the People to further Expense in disputing about the names of Towns, we apprehend was needless, as it had been no part of ye controversy; the Privilege of our constituents has been the subject of the Dispute, and while we are maintaining that we have no Reason to think they will murmur at the Expense, how much soever they may be Discontented at the cause of it.

Your Ex^ys saying we Refused the persons from the new places a Seat with us, because you call'd them by virtue of your Commission is a point in which you are also mistaken, for the Reverse of that was the Reason we did not admit them, viz. Because they were not call'd by vertue of your Ex^ys Commission, there being no such powers given your Ex^y therein that we can find, and agreeable to our opinion in this matter your Ex^y says in your message of the fifth of April you were commanded to call them by the Instruction. Your Ex^y says If you had tho't ten other towns worthy of sending Representatives you would have supported their Election. We doubt it not, and are of opinion you might have done that as well as some other things which have been done; but as this Declaration seem'd to be intended for a menace of what your Ex^y would do hereafter,

we have used the best precaution we could in an address to his Majesty to prevent the threatned calamity.

[P. 152.] Your Ex^y says if we would lay aside the strong prejudices some of us bro't with us we must Honestly confess we have been striping an honest set of Industrious People of a Privilege.

As these strong prejudices are charged only on some of us, the guilty (if any there be) ought to answer the accusation, but we know of none such; yet we own your Ex^y can make the best guess as best knowing whether there has been any just cause given therefor.

As to your Ex^ys saying we must honestly confess, we Reply that we must honestly declare that we should be dishonest if we should confess what you require, and therefore your Ex^y must excuse us from confession if you please till we are conscious of guilt, or the charge is proved by a more convincing argument than that of a bare assertion.

We are sensible there has been an Indeavour to strip a much larger number of honest Industrious people than the set your Ex^y mentions even the whole people of the Province, and that too of more privileges than one, which we have Represented to his Majesty in the way of Address for the Redress of Grievances, and humbly submitted it to the Royal wisdom to determin to whom this stripping imputation appertains.

Your Ex^y says you will pass by our Irregularities & indecencies; we know of none, if you had pointed out any, we would have Refuted the charge or readily asked your pardon.

Your Ex^y says by the King's Commission and Instruction you have full power to Negative every Act of Government, and consequently full Power to Negative one or more Speakers. The first part is a truth beyond contradiction, but we utterly deny the consequence.

[P. 153.] If your Ex^y will Prove that a vote of the Representatives for Regulating their House is an Act of government we will yield the Point forever and choose as many speakers as your Ex^y shall require. But we observe by the way that by your Ex^ys saying you have a Right to Negative one or more Speakers, we suppose you mean a Right to Negative as many as you please, and if that be the case what becomes of the Privilege of choosing, or what is it but a meer Phantom!

The Genl Ass^m consists of twenty members, we will suppose nineteen have been chosen Speakers & negatived, the twentieth then must necessarily be the Speaker and who will say what is done by necessity is done by choice.

What your Ex^y means by a fondness in some gentlemen to go to White Hall we do not understand. Your Ex^ys advice to us to be certain of ye Justice of our cause we shall follow by endeavoring to be as certain as the nature of the thing will admit of.

By your Ex^ys saying one miscarrying will illustrate your conduct, perhaps your Ex^y means will make it illustrious, be that as it will to illustrate it is our Design, and if that will be agreeable to your Ex^y we shall be pleased in doing you such an acceptable service.

As to considering further of the choice of another Speaker & admitting the Persons from the new places we have once and again given your Ex^y our final Resolve thereon, to which we once more pray you to be refer'd for our Determination on those points.

Voted that the foregoing message be sent his Ex^y the Governour.

Sent up by Mr. Clarkson, Maj^r Davis, Mr. Philbrick and Capt. Hall.

[p. 154.] *May it Please your Excellency.*

We Receiv'd your message of the fifth of April wherein you charge us with a repeated Refusal to comply with your orders in choosing a Speaker in the Room of Richard Waldron, Esq. and a Disregard to his Majesty's Instruction in not admitting the members from the new Places. We must pray your Ex^y to be refer'd to what we have Repeatedly said for an answer to those Points as we choose not to trouble your Ex^y or ourselves with vain Repetitions.

If your Ex^y had offered any new arguments we would have submitted to them or endeavored to have confuted them. There is indeed one thing new, (viz.) That your Ex^y is commanded by the Instruction to call in six new members, &c. whereas it appears by the copy lent us that you were to call in but five, tho' from six places: and by the King's writ it appears also that you call'd one from new places not mention'd in the Instruction at all. How exact your Ex^y has been in your conformity to the Royal Commands perhaps you may think fit to reconsider;—and here we take leave to Recommend it to your Ex^ys consideration in particular that tho' you say in your Message of the fifth of April that you were commanded by the Instruction to call the new members, yet in your message of the fifteenth of February it is expressly said they were called by vertue of your Commission. Now how it consists that your Ex^y should be commanded to call them by the Instruction & yet call them by vertue of your Commission we do not understand nor can we find a Power in the Commission to call them and by comparing the King's writ with the piece of Instruction which was lent us it appears plainly that your Ex^y has not acted in conformity to the said Instruction, but very wide from it which alone (Exclusive of other important reasons) we humbly apprehend will [p. 155] sufficiently justify us in not admitting those persons till his Majesty's Pleasure shall be further known.

Your Ex^y says you gave us several Prorogations that we might maturely consider of our past misconduct. The more, Sir, we have considered the more we are convinced that we have done our duty both to our King and Country and we hope that in the space you have pleased to give us to consider of our misconduct (as you are pleased to call it) your Ex^y has considered of your own conduct also, and that the Result is that we may be permitted without further delay to Enter upon such business (at least) as is necessary to save the Province from ruin.

As to what your Ex^y says of his Majesty's Expectations and the duty of his subjects in other Plantations & Coloneys we do not see what induced your Ex^y to draw those things into your message, nor that we have any business to make a reply to them. It is sufficient for us to do our duty and if we fail, to answer for Ourselves.

Your Ex^y says you shall give us further time to deliberate. To which we reply:—If you will be pleased to give us also Reasons and Arguments to prove that your Ex^y is in the Right and the Genl Ass^m in the wrong touching the Dispute in hand, we shall be glad of an opportunity for further Deliberation, but to consider further of naked assertions and what we have so maturely considered already will be but a needless & fruitless Expence of time.

Upon the whole in behalf of his Majesty And in behalf of our Constituents we once more Earnestly Intreat your Ex^y to let us Enter upon some of the Provincial business that is of the most importance (if not on all) as particularly to inquire into the state of the treasury and the funds to [p. 154, 1] pay the Publick Debts, especially to the poor soldiers for their last years service; and that we may take the proper measures to have the money granted by Parliament bro't over, and to obtain a Reimbursement for the money taken out of the Treasury (if any has been taken out)

1. Pages 154 and 155, are repeated in the original.—Ed.

to pay the Canada Troops; and moreover that we may take the proper steps to have the Publick Records of Deeds once more opened to the People whose property they are.

Voted Unanimously that the foregoing message be sent to his Ex^{y} the Governour.

Sent up by Mr. Sherburne, Capt. Millet, Coll^{o} Gilman and Mr. March.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourned the Genl Ass^{m} till to morrow ten o'clock.

Thursday May 11th 1749, A. M.

[P. 155.] The House met according to adjournment [and by his Ex^{ys} order was adjourned till Friday, and again till]

Saturday May 13, 1749, A. M.

The House met, and

Voted unanimously, That ye following Message be sent his Excellency ye Governour.

May it please your Excellency

On ye ninth present we Received your Excellencys message of that days date so much ye same in kind with your former Messages, to which we have so often & fully Reply'd that we Desire your Excellency to be Referred to our former Resolves for an answer to this, being determind to adhere to them 'till his Majesty's Pleasure shall be further known, or your Ex^{y} shall convince us by Rational arguments that we are in an error. your Ex^{y} says you have been waiting on us more than four months, &c. Have we not been waiting on your Ex^{y} ye same length of time, and Repeatedly Desired that we might be permitted to Enter upon ye necessary business of the Province, tho' hitherto in vain? And was not ye whole Prov- [P. 156] ince waiting seven months before without any Assembly at all tho' it was a time of War, tho' many Publick debts were unpaid, many accounts unsetled and our Provincial affairs in general in a most perplexed and unhappy posture? Your Excellency says it would be very pleasing to you to find us disposed to pay a due obedience, &c. We reply it will be equally pleasing to us to find a Disposition in your Ex^{y} to remove ye Impediments which obstruct us in doing our Duty to our King and country which may prevent us from laying further Greivances before his Majesty that may perhaps produce consequences not so agreeable to your Ex^{y} as you may wish.

Before the foregoing message was ready to be sent his Ex^{y},

Mr. Sec^{y} came into the House and said he was directed by his Ex^{y} to Inform us that he had Prorogued the Genl Ass^{m} till Thursday the first day of June next at 12 o'clock, and then in his Majesty's name Declared this House Prorogued.

Thursday, June 1st 1749. The House met according to Prorogation.

Voted that the following message be sent his Excellency ye Governour.

May it please your Excellency.

[p. 157.] In consideration of the various Tokens of ye Divine Displeasure which this Province is under at this time, more Especially in Regard to the uncommon & early Drought & ye Perplexed and unhappy circumstances of our Provincial Civil affairs, We humbly move and Earnestly Pray that your Excellency will be pleased (with the advice of the Council) to Proclaim a Solemn Fast throughout this Province Exhorting both Ministers and People Religiously to observe the same by Deep Humiliation and hearty Confession of sin the Procuring cause of all Evils & unfeigned Repentance for our past Iniquities and by seeking to ye Father of mercies in a way of Prayer and most Devout & fervent supplication that he will be graciously pleased to avert the tokens of his Displeasure and give us Rain from Heaven and fruitful Seasons & Reign down Righteousness upon ye Rulers & Ruled, and Deliver ye Province from its present perplexities.

Past nemine contradicente.

Mr. Sec^y^ came into the House & by his Exc^ys^ Direction adjourn'd ye Genl Ass^m^ till to morrow ten o'clock.

[p. 158.] Friday June 2^d^ 1749, A. M.

The House met—[and adjourned till 3 o'clock]

P. M.

The House met according to adjournment.

The answer to ye Governours message to the House of the 9th of May which was voted on the 13th of ye same month but not then sent his Ex^y^, and ye Message to his Ex^y^ which was voted yesterday were sent up by Mr. Clerkson, Mr. Giddings & Mr. Jenness who returning and informing that his Ex^y^ was not at ye Council Chamber: The Messages were then sent up by Mr. Sherburne & Mr. Weare & Deliver'd to ye Sec^y^. There not being a Quorum of ye Council & ye Sec^y^ was desired to forward ye same to his Ex^y^ who answer'd that he would.

Mr. Sec^y^ came into ye House & by his Ex^ys^ Direction adjourn'd ye Genl Ass^m^ till to-morrow ten o'clock.

[p. 159.] [Met and adjourned from time to time till]

Thursday, June 29, 1749, A. M.

The House met according to adjournment.

The Genl Ass^m^ having heard that his Ex^y^ has been advised by ye Councill to keep them siting, or under short Prorogations or adjournments,

Ordered, That Mr. Sherburne & Mr. Weare go to the Sec^y^ & Desire a Copy of ye minit of Council in which is contain'd their advice to his Ex^y^ as above mention'd.

[p. 160.] After a short time the Sec^y^ Deliver'd them a copy of ye said minit, which is on file.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} till four o'clock.

Thursday June 29, 1749 P. M.

The House met according to adjournment.

Whereas by an order of this day application was made to ye Sec^{y} for a copy of ye Minute of Council of ye 21st of April (a) last which being obtain'd & laid before the House, and it appearing thereby that his Excellency ye Governor had on ye said day communicated to ye Council his Majesty's 84th Instruction Directing his Excellency with ye advice of ye Councill to take order if any thing should happen which may be of advantage to ye Province which is not provided for in his Instruction or by his Commission, &c. And that his Excel^{y} also took notice of the Present circumstances of ye Province y^{t} ye affairs of Government were stagnated by the means therein mentioned; and then asked whether the Councill by vertue of the said 84th Instruction could advise to any method or thing that might be Prosecuted or Done for the advantage of the Government, who taking the same under consideration did advise [P. 161.] that his Excellency keep the said Assembly under short Prorogations or adjournments.

Minutes of Council.

(a) Jour. Coun. & Assem. April 21, 1749. His Excellency ordered the Secretary to read at the board his Majesty's Aditional Instruction dated at White Hall the 30th of June 1748 Declaring the Right of calling members of Assembly from any new Towns to be in the Crown, &c. and alsoe his Majesties 84th Instruction Directing his Excellency with the advice of the Council to take order if any thing should happen which may be of advantage to the Province which is not Provided for in his Instruction or by his Comission.(1)

Which being read at the board his Excelency took notice of the present circumstances of the Province that the affairs of Government were stagnated & obstructed by reason of the members of Assembly having hitherto refused to Pay any regard to his Majesties Instruction in admitting several members from new Towns agreeable to his Majesties Aditional Instruction above said—and then asked weither the Council could by virtue of the said (84th) Instruction advise to any method or thing that might be Prosecuted or Done for the advantage of the Government. The Council took the same under consideration and did advise that his Excellency keep the said Assembly under short Prorogations or adjournments.

Now, forasmuch as the Declared Intention of this advice was for ye advantage of the Province, and it is manifest that no advantage can accrue to the Province by frequent sessions of the Assembly, but on the contrary that they must necessarily Increase ye Distresses, & unreasonably augment ye load of Province Debts, unless the Councill will join with them in Acting what may be for y^{e}

(1) The 84th Instruction is in the Journal of the House, under date of Feby 8, 1848-9 —ED.

Publick utility. and upon a Presumption of the Councils Readiness so to do infer'd from their advice given his Ex^{y} as abovementioned.

Voted, that Mr. Daniel Pierce, Gentlemen, be Recorder of Deeds & Conveyances of Land for this Province for one year from the Date hereof until the third day of the next siting of the Genl Ass^{m} after ye Expiration of said term, and that he shall not be Qualified to act as Recorder untill he has given bond with sufficient Sureties to the Speaker of the House of Representatives for y^{e} [p. 162.] time being in the sum of two thousand Pounds and taken an Oath for ye faithfull discharge of the said office, and that ye fee for Recording shall be six Pence a page,each page to consist of twenty-eight lines eight words to a line, and three pence for each attestation such Record, and its being compared with the Book, and that Coll^{o} Henry Sherburne, Richard Wibird, Thos. Millet, Eleazar Russell & Thos. Bell, Esq^{s} be a Com^{tee} they or ye major part of them to take the Books and papers belonging to ye said office of Recorder into their custody in case of ye Death or Incapacity of ye said Recorder or the Expiration of ye term above mentioned and them safely keep until further order of the Genl Ass^{m}. and it is further voted that said Com^{tee} or the major part of them take a list of all ye Books now belonging to the said office & a Receipt for ye same from ye said Recorder, and that they be under oath for ye faithfull discharge of their trust and that a Duplicate of the said Receipt be Lodged in ye Sec^{ys} office.

[p. 163.] Mr. Sec^{y} came into ye House & by his Exc^{ys} Direction adjourn'd ye Genl Ass^{m} till to-morrow ten o'clock.

Fryday June 30, 1749, A. M.

The House met according to adjournm^{t}.

The Speaker being detain'd that he could not attend ye Genl Ass^{m} this forenoon,

Voted That Coll^{o} Peter Gilman be Speaker pro tempore.

The Vote for a Recorder which pass'd yesterday was this day sent up by Maj^{r} Davis & Capt. Wentworth.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} till four o'clock.

Fryday, June 30, 1749, P. M.

The House met according to adjournment.

Voted that Coll^{o} Peter Gilman, Mr. Henry Sherburne jun^{r} and Thos. Bell Esq. be a Com^{tee} of this House to joyn such as shall be appointed by ye Honble Councill to Examin the Treasurer's acco^{ts} and lay ye State of them before ye Genl Ass^{m} as soon as may be.

Sent up for concurrence.

The above vote was sent up by Mr. Giddings & Mr. March who Return'd with ye vote & said there was not a Quorum of ye Council met.

[p. 164.] Mr. Sec^y came into ye House and by his Ex^ys Direction adjourn'd ye Genl Ass^m till to-morrow ten o'clock.

Saturday July ye 1st 1749, A. M.

The House met according to adjournm^t.

The Vote for a Com^tee to Examin ye Treasurers [acc^t] which past yesterday was sent up again this day by Mr. Giddinge.

Voted that Thos. Millett & Edward Hall, Esq. & Mr. Zebulon Giddinge be a Com^tee of this House to joyn such as shall be appointed by ye Honble Councill to Examin ye Muster Rolls of the soldiers in ye service of this Governm^t in defence of the frontiers in the year 1748 in the Recess of ye Court, and that said Com^tee give publick notice to all whose proper business it is to bring in Said Muster Rolls to ye Com^tee to be Examin'd by them & they to Report to ye Genl. Ass^m as soon as may be that said Muster Rolls may be past & ye soldiers paid. Sent up for concurrence, by Maj^r Davis & Mr. Knight.

[p. 165.] Mr. Sec^y Bro't Down a written message from ye Councill Relative to the House's vote for a Recorder, sent up to ye Councill yesterday for concurrence—which message is on file.(a)

(a) Jour. Coun. & Assem. July 1, 1749. The Council took under consideration the vote of the members for a recorder as sent up yesterday and came to a resolve in writing & voted the same & sent it to the members, in which they took notice of their Partial recollection of the advice given by them to his Excellency on his laying his Maj^tys Additional Instructions & 84 Instruction before them on the 21st of April Last, and acquainted the members that they did not look upon them as quallifyed to Pass any votes that (needed the concurrence of the Council to render it effectual) till they had chosen a Speaker & such choice had been approved of by his Excellency &c. and till they were thus quallifyed the Council must be excused joyning with them in the concurrence or non-concurrence of any vote they might offer, which resolve was sent down by the Sec^y accordingly.

Voted that James Clerkson Esq. Mr. Henry Sherburne jun^r & Mesheck Weare Esq. be a Com^tee to draw up a reply to said message. Mr. Sec^y came Down and said he was directed by ye Council to inform us that the Councill had perused the vote sent up this day by Mr. Gidding & ye Councill were of opinion that what was sent down from them Respecting ye vote for a Recorder was a sufficient Reply to ye other also. And then ye Sec^y said he was Directed by his Ex^y to acquaint the House that he had prorogued ye Genl Ass^m to Wednesday the 26 Inst. and then in his Majesty's name Declared it prorogued accordingly.

[p. 166.] Wednesday July 26th 1749

A number of the members met according to Prorogation [and were adjourned, by Direction of his Exy from time to time till]

[p. 167.] Thursday, Augst 24, 1749, p. m.

The Secy came into ye House of Representatives & said he was Ordered by his Exy to acquaint them before the last Prorogation, if there had a Quorum, that he had long waited on them to Enable him to proceed on the Kings business & other necessary affairs of the Province which they had hitherto put it out of his Power to Enter upon which he Desired ye House to consider of and no [p. 168.] longer hinder his proceeding on the Publick affairs for that he had matters of Importance from England to lay before them when they were qualified to act.

This message being Reduced to writing was shown the Secy by order of ye House in order to be corrected, if there were any mistakes in it, who said he would look on his minutes & give ye clerk of ye Assm the message in writing, and accordingly gave him in writing the former part of the above message, but omitted ye latter part, viz. That his Exy had matters of Importance from England to lay before them when they were qualified to act.

Mr. Secy came into ye House & by his Exys Direction adjourn'd the Genl Assm till to morrow ten o'clock.

Fryday, Augst 25th 1749, a. m.

The House met and adjourned till 4 o'clock

P. M.

Voted, that ye following Message be sent to his Excellency the Governour,

May it please your Excellency

[p. 169.] Yesterday we Received an oral message from your Excellency Deliver'd by Mr. Secy to which we take leave to Reply, that a cursory Review of what has pass'd between your Excellency and us will in our opinion be sufficiently convincing that your proceeding in Publick affairs has in no measure been obstructed by us, but that ye obstruction has been wholly owing to your own unprecedented conduct, which is a grievance & Burden to the People hardly to be Express'd. Didn't your Exy several years agoe Endeavour to bring members into the assembly without any authority for so doing and contrary to the common usage & custom of the Province, and ha'nt you since Exceeded the Limitts of his Majesty's Instruction by attempting to introduce members into this Assm from places not so much as mention'd in the said Instruction, And did'nt your Excellency disapprove our choice of a Speaker, without any shadow of right so to do? And are not these the things that have stagnated the Provincial Business? And if so then be pleased to judge yourself at whose door the Blame lyes of the unhappy situation of our Publick affairs. We have been ever Ready

& willing & are not only so now but even sollicitous to Enter upon Business of any kind that is proper for us to act upon, and we now once more Earnestly Desire we may be permitted so to do and in particular we pray if your Excellency has any advices from England proper for our cogni- [P. 170.] zance that they may be laid before us, and that if your Excellency has anything from the Governm^{t} of the Massachusetts touching a Peace with the Indians that concerns us, we may have that communicated also: And further we Request that we may be permitted at this Juncture now Commissioners are going to Canada from a neighboring Governm^{t} to do something towards the Redemption of any captive or captives belonging to this Province which are now in the hands of the French or Indians;— and here we take leave further to assure your Ex^{y} if you are determin'd not to let us act in our capacity as a Genl Ass^{m} till we have yielded up the Priviledges which you have demanded there will be no acting at all upon our common Provincial affairs, for that we are equally Resolved not to give them away; being also Determin'd not to Receive your Excellency's Assertions for arguments, nor your opinion for Law.

Sent to his Ex^{y} by Mr. Sherburne Capt. Wentworth & Capt. Bell.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd the Genl Ass^{m} till to morrow ten o'clock.

Saturday, Augt 26, 1749.

The House met according to adjournm^{t}

[P. 171.] Mr. Secretary came into the House and said he was Directed by his Ex^{y} to acquaint us that he had Prorogued the Genl Ass^{m} to Wednesday the twentieth Day of Sep^{t} next at ten o'clock in ye forenoon, and then in his Majesty's name Declared it Prorogued accordingly.

Wednesday Sep^{t} 20th 1749.

A number of members met according to Prorogation.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} till to morrow ten o'clock.

Thursday Sep^{t} 21, 1749. The House met according to adjournm^{t}.

[P. 171.] Mr. Sec^{y} came into the House & said that he was commanded by his Ex^{y} ye Governour to acquaint the House that his Excellency was still waiting to see if the House would proceed to business.

Mr. Sec^{y} came into the House & by his Ex^{ys} Direction adjourn'd the Genl Ass^{m} till 4 o'clock.

P. M

[p. 172.] [The House met and was adjourned or Prorogued from time to time, without doing any business, till]

[p. 173.] Thursday, Novr 30, 1749, p. m.

The House, being inform'd that his Ex^{y} had something to lay before them sent Coll^{o} Gilman & Mr March to ye Councill Board to give information that there was a Quorum of the House met & Ready to proceed to business—who Return'd & said that they had been to the Councill Board but that neither his Ex^{y} nor any of ye Councill were there.

Mr. Sec^{y} came & by his Ex^{ys} Direction adjourned ye Genl Ass^{m} till to morrow ten o'clock.

[p. 174] Saturday, Decr 2d 1749.

Met according to adjournm^{t}. Mr. Sec^{y} Bro't down the following written message from his Ex^{y} ye Governour, viz.

Province of N. Hamp^{r} } To the members convened to sit in General Assembly in vertue of the King's writ :

Gentlemen—That no further impediment may be Given ye Publick Concerns of the Province, I think it necessary to appraise you that whenever you Resolve to proceed to the choice of a Speaker in conformity to my repeated Commands which hitherto you have Refused to comply with, I shall expect previous to such choice to be acquainted with your Resolution thereon, that I may have an opportunity to adjourn or Prorogue the General Assembly in order to assemble six members called by the same authority that you were & in all Respects equally Qualified with your selves to vote in said choice, which members you have hitherto Refused either to sit or vote tho' in Direct opposition to his Majesty's commands to me, & gracious Intentions to the People they Represent.

The two points now in Controversy, Unfortunate for the Gentlemen that led you into ye Dispute by calling them the Priviledges of ye People, are Prerogatives of the highest order, and too delicate in their nature for me to dispense with; therefore you must excuse me, when I tell you they are and must be sacred to me.

B. Wentworth.

Councill Chamber in
Portsmouth, Novr 29, 1749.

[p. 175.] Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} to Tuesday next at ten o'clock in ye forenoon.

Tuesday Decr 5th 1749.

Met and adjourn'd, [again and again, till]

Thursday Decr 7, 1749. A. M.

Met according to adjournm^{t}—

Voted, That the following message be sent his Ex^{y} ye Gover nour.

May it please your Excellency

Your message of the 29 of last month was bro't us by Mr. Secretary on Saturday last just before we were adjourn'd. To which we Reply that when we Resolve to choose another Speaker we will then take under consideration the propriety of giving your Excellency previous notice thereof, as by your message you Expect, but with that we are determin'd not to proceed to another choice as we have Repeatedly told your Ex^{y} till you shew us your power to Negative or Disallow that which we have already made. As to ye two points in Controversy which your Ex^{y} says are unfortunate for ye Gentleman or Gentlemen that led us into ye Dispute, we say that we know of no other leader than your self, and how unfortunate it may be to you time doubtless will Discover. As your Ex^{y} began the Dispute so it is with you to end it if you please either by a Retraction or shewing your Authority.

[p. 176.] We have indeed seen a copy of a piece of an Instruction Relating to calling members from new places, which was lent us, But as it appear'd maim'd and not ye whole & came in such a manner too, and besides as your Ex^{y} had exceeded the powers therein given you, we could not think it wise or safe to Act thereon till his Majesties pleasure should be farther known. But as to the Negativing or Disapproving the choice of a Speaker we have not had a Glimpse of Evidence to prove your Authority in that case, neither from your Ex^{y} nor any other way.

Your Ex^{y} says the points in controversy are Prerogatives of the highest order & Delicate in their nature: What if they are? Does ye height or Delicacy of them prove that his Majesty has vested you with a power to Exercise them which is what your Ex^{y} has to do if you would do any thing to purpose in Regard to us.

Sent up by Thos Millet & Meshech Weare Esqrs.

Mr. Sec^{y} came into ye House and said he was Directed by his Ex^{y} to acquaint us that he had Prorogued the Genl Ass^{m} to Wednesday ye third day of Jany next at ten o'clock in ye forenoon, and then in his Majesty's name Declared it Prorogued accordingly.

Wednesday Jany 3^{d} 1749.

A number of the members met according to Prorogation.

Mr. Sec^{y} by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} till to morrow ten o'clock.

Thursday, Jany 4, 1749—A. M.

[P. 177.] Met [and adjourned, till]

Fryday, Jany 5, 1749, P. M.

Met according to adjournment. Mr. Sec^{y} came into the House and said, "I am directed by his Ex^{y} to acquaint you that he has "Prorogued the Genl Ass^{m} of this Province to Wednesday the "seventh day of Feby next at ten o'clock, and accordingly in his "Majesty's name you are Prorogued."

Wednesday, Feby 7, 1749—

A number of ye members met according to Prorogation. Mr. Sec^{y} by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} till tomorrow ten o'clock.

Thursday, Feby 8, 1749. A. M.

Met according to adjournment, [and without doing any business [P. 178] were adjourned from day to day, till]

Fryday, Feby 16, 1749, P. M.

[P. 179.] Mr. Sec^{y} came into the House & by his Ex^{ys} Direction Progued the Genl Ass^{m} to Wednesday the 14th Day of March next.

Before the meeting of the Ass^{m} on the fourteenth of March the members were Inform'd by Letter from the Sec^{y} that the Genl Ass^{m} was to be further Prorogued to the twenty first day of March.

[P. 180.] Wednesday March 21st 1749.

The members met according to the Letters sent them.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd the Genl Ass^{m} till to morrow 12 o'clock.

Thursday, March 22, 1749. Met according to adjourn^{m}t.

Mr. Sec^{y} Bro't Down a written message from his Ex^{y} which is on file. (a)

(a) Journ. Coun. & Assem. March 22, 1749. His Excellency sent by the Sec^{y} to the returnd members a written message of this Days date setting forth that their behaviour had made it necessary for him to keep them under short adjournments & Prorogations for more than a year Past in order to have a due obedience Paid to his Majesties commands and that he hoped they would in the present Assemblance think it both their duty & Interest to comply therewith and mentioned the Massachusetts Petition to his Majesty for a reimbursement of their charg in garrisoning fort Dummer, &c.

Mr. Sec^{y} came into the House and by his Ex^{ys} Direction adjourn'd ye Genl Ass^{m} to three o'clock.

P. M. [Met and were adjournd till]

Saturday, March 24th 1749. Met according to adjournm^{t}.

Voted, that the following message be sent his Ex^{y} the Governour.

May it please your Excellency

In answer to your message of the 22^{d} Inst. we take leave to say that your Excellencys keeping us under Short Prorogations & Adjournments is not with propriety chargable to us nor ever would there have been any [P. 181] such short adjournments & Prorogations as we conceive, had your Excellency laid before us the full of his Majesty's Instructions Relating to the matter in controversy when we were first Assembled; and it was your Excellency's not doing that which was the whole foundation of the controversy as it now stands touching the admission of the Persons from the new Places; and the same were not only kept from us at our first convening But we were kept intirely Ignorant thereof 'till Mr. Blanchard bro't a part of one into the House which was thirty-five days after our first meeting: But waving many things which might be said touching your Excellencys part in the controversy & in Justification of ourselves, and to speak once more full to the point in a few words—If you will show us your Power we will shew you our compliance. If you will lay before us the whole of his Majestys Instruction Relating to this affair we will soon convince your Ex^{y} of our Readiness to Do what appears to be our Duty. If your Ex^{y} is Resolved not to shew us the whole of the Instruction the Dispute must Remain as it is 'till his Majesty shall be pleas'd to order them to us in some other way, or till his Majesty's Pleasure is further known. Here let us add that the Dispute is not neither has it been whether we will obey his Majesty's Instruction, nor can it be as we do not know it, But whether your Ex^{y} will make it known to us or not—this is the Point in controversy Between us.

Before the foregoing message was sent Mr. Sec^{y} came into the House & by his Ex^{ys} Direction adjourn'd the Genl Ass^{m} till Tuesday next twelve o'clock.

Tuesday March 27, 1750.

A number of the members met according to adjournm^{t}, [and without doing any business adjourn'd from time to time,] till

[P. 182, 183.] Saturday 5 of May 1750.

Met according to adjournment. Mr. Sec^{y} came into the House

and said he was directed by his Ex^y to acquaint us That he was hoping in consideration of the Paragrafs of a Letter from the Right Honble the Lords Commissioners for trade and Plantation of the 14th of Dem^br last which the Sec^y Delivered to Maj^r Davis to communicate to the members That they would have admitted the new members and proceeded to the choice of another Speaker, and if we Desired any further time to consider of that matter he would be glad to know it. Otherwise he had orders to Prorogue—

The members present viz. Richard Waldron Esq. James Clarkson Esq. Eleazer Russell Esq. Mr. Henry Sherburne Junr Maj^r Thos Davis, Meshech Weare Esq. Mr. John Knight, Capt Jonathan Thompson, sent the following message which was Delivered Orally, viz.

May it please your Excellency,

In answer to your oral Message of this Day by Mr. Sec^y we Reply that whenever your Excellency shall be pleased to Lay before us his Majesty's additional Instruction with the Letter Referred to in said message from the Right Honble Lords Commissioners for Trade and Plantation we shall immediately take the same under consideration and with the utmost cheerfulness pay the Readiest Obedience to what appears to be his Majestys pleasure in the matters in controversy.

[p. 184.] Mr. Sec^y came into the House and by his Ex^ys Direction Prorogued the Genl Ass^m to the third Wednesday being the twentieth day of June next.

Wednesday June ye 20, 1750. A number of the members met according to Prorogation and by adjournment met again

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Thursday, June 21, 1750. P. M.

The Sec^y Bro't Down the following written Message from his Ex^y, viz.

To the members called by the Kings Writ to sit in General Assembly.

Gentlemen—

Upon my meeting you on this Prorogation I am in expectation that you will comply with my former messages in proceeding to the choice of a Speaker, and in sending in for the new members duly Qualified and called by the Kings Writ to have a voice in the Election which will be agreeable to his Majesty's commands to me in support of their Election.

Councill Chamber B. WENTWORTH.
Portsmouth 21st June 1750.

[p. 185.] Mr. Sec^y came into the House and by his Ex^ys Direc

[P. 186.] tion adjourn'd the Gen[l] Ass[m] till tomorrow ten o'clock, [and so from time to time, without doing any business,] till

[P. 187.] Thursday 27 Sep[t] 1750, A. M.

Met according to adjournment.

Voted that the following Message be immediately sent to his Excellency the Governor.

May it please your Excellency

As the Province was without an Assembly seven months before this was convened (tho' part of that space was a time of war) and it is now almost one and twenty months since we were first called together, During which whole time of two years and four months not one single Act or vote has pass'd thro' the Legislature occasion'd by obstructions from your Excellency by which y[e] Province is Bro't under almost insuperable Difficulties:

We therefore once more Implore your Excellency to permit us to proceed to Business, that we may as far as to us appertains and in us lies Extricate the Government out of that Labyrinth of Distresses in which it is Involved.

But if it is not Eno' that your Excellency has Exercised your Governing Power in the manner as in years past And the Time of healing our Publick [P. 188.] maladys is not yet come, at least for mercy's sake and in compassion to our poor Naked Brethren in the frontiers we earnestly Beseech your Excellency to allow us to do what is our Duty for the Relief of as many of them as we can, for by the accounts we have from all Quarters they are in great Danger of the Indians, and perhaps greater than if an open war was declar'd.

Before the foregoing message was sent up, Mr. Sec[y] came into the House and by his Ex[ys] Direction adjourned the Gen[l] Ass[m] to three o'clock.

Thursday 27 Sep[t] 1750 P M, met according to adjournment.

The message which was voted in the forenoon was sent up this afternoon by Mr. Weare & Mr. Hall, and the Governour not being at the Councill Chamber the message was lett with the Secretary.

Mr. Sec[y] came into the House and by his Ex[ys] Direction adjourn'd the Gen[l] Ass[m] till to morrow Eleven o'clock.

Fryday 28 Sep[t] 1750 A. M. Met according to adjournment. Mr. Sec[y] Bro't Down a written message from his Excellency which is on file.

Governor's Message.

[Copied from MS. Gov[rs] Messages in Sec[ys] office, vol. ii. pp. 71–73.]

Province of
New Hampshire } To the members conven'd by the King's Writ to sit in General Assembly.

Gentlemen

On the 21st of June last my message was deliver'd you by the Secretary

which to this day you have not tho't proper to take the lest Notice of, how consistant such a behaviour is, with Gentlemen in your situation, I think is worthy your consideration.

By your message of yesterday's date, had it been the first of that tenor that came from you, I might have been induced to believe you were in earnest, wherein you are pleased to Implore me to permit you to proceed upon business, & beseech for mercy's sake to allow you to do what is your duty for the relief of the frontiers; but when I consider that upon every Prorogation & adjournment for the space of near twenty one months, you have had these opportunities offer'd you & put into your hands and without the lest interruption from me, unless you mean by obstructions, that I have in faithfulness to my Royal master endeavor'd to support his authority & commands against the attempts you have made upon both, & when I consider that actions are clearer & stronger Evidences to judge by, than words which may be calculated only to deceive & misguide, such as have neither time or opportunity to inquire after truth, you must permit me to suspend my belief, until there is a more exact correspondence between them.

The unhappy posture You have put the Public concerns in calls upon you for a speedy restoration thereof, & it is in your power only to effect it, lest by a longer continuance in your disobedience, you fall under his Majestys highest displeasure, which from a paragraph of the R^t Honble the Lords Commissioners for Trade & Plantations letter to me in the following words you have great reason to fear.

"The Refusal of the Assembly to admit the members of the new Towns "directed to be chosen by his Majesty's Instruction to you, which was "found Expedient, after the most solemn & mature deliberation, and the "opinion of his Majestys Attorney & Solicitor General had there upon, is "so notorious and unjustifiable an Act of disobedience, that we lost no "time in transmitting the same to his Grace the Duke of Bedford, to be "forthwith laid before his Majesty for his Directions thereupon."

From the Imminent danger you are in of Increasing his Majestys Displeasure by your past disobedience, from the war we are threatened with which calls for more than the aid of the whole Legislature in conjunction, I hope you will think it not only your Duty, but your highest Interest to take off the mask & openly declare that his Majesty has been graciously pleased to enlarge the Priviledges of the People in a way most consistant with his Royal wisdom,—which is an incontestible fact,—declare also that by your behaviour the honest and unwary people have been perswaded to believe that the King was robing them of their priviledges; That the Troops employed for the defence of the frontiers in the late war & the people that subsisted them, have been kept out of their just dues; lay aside all prejudices, enter cheerfully on the public business, consult the good of the people you represent, seek the peace of the Government & pursue it, then you can meet with no obstructions from me, but on the contrary you will find me ready to concur with every act of Government that is consistant for me to assent to, & when there is a perfect harmony subsisting in the Government, we may have reason to hope for & Expect the smiles of Heaven on our honest endeavors for the public weal.

B. Wentworth.

Council Chamber in
Portsmouth, Sep^t 28, 1750.

Mr. Sec^y by his Ex^ys Direction adjourn'd ye Genl Ass^m to three o'clock.

Fryday, Sept. 28, 1750. P. M.

Met according to adjournment. Mr. Sec^y came into the House

and said he was Directed by his Ex^y to acquaint us that we might set next week and longer if we desired more time.

Mr. Sec^y came into the House and by his Ex^ys Direction adjourned the Genl Ass^m till tomorrow ten o'clock.

[p. 189.] Saturday 29 Sep^t 1750.

Met according to adjournment.

Mr. Sec^y came into the House and said he was Directed by his Ex^y to Enquire whether we had any thing to send up this forenoon.

Letter from the Governor to Sec^y. Atkinson

Little Harbour, 29th Sep^t. 1750.

Sir—

If my message delivered the members yesterday obtains any answer or there is a probability of their entering on business, then you are to adjourn the General Assembly 'till Monday next at ten, a. m. If there is not the above prospect, then adjourn the Genl Assembly to Wednesday 24th Octr at 10 a. m. previous to which adjournment you are to Inquire if they have any thing to send up. I am,

Sr. Your Hum^b Servt

Col. Atkinson. B. Wentworth.

[Copied from MS Messages Vol. II. p. 77.]—Ed.

Voted that the following message be sent to his Ex^y the Governour.

May it Please your Excellency

As your Excellency's written message of yesterday Requires more time for a full answer than this day affords we suspend a Reply at present But will get one Ready as soon as we can and send it the first opportunity after it is prepared.

As to your Excellency's oral message of yesterday we Reply—If your Excellency will permit us to proceed to Business we shall be glad to have the Session prolonged, But to be kept sitting and kept from acting we have no Desire.

Mr Sec^y came into the House and by his Ex^ys Direction adjourned the Genl Ass^m to Monday next ten o'clock in the forenoon.

Monday 1st Octr 1750. Met according to adjournment—[and adjourned from time to time,] till

Wednesday 3^d Octob^r 1750 a. m.

[p. 190.] Voted, That the following message be sent to his Ex^y the Governor in answer to his Message of the 28 of September.

May it Please your Excellency,

What your Excellency charges us with in the very first Paragraph is a mistake, viz, That we had not taken the least notice of your message of the 21 of June, Whereas we Receiv'd it, Read it, Entered it in our Journals and consider'd it; and if that was not taking notice of it we know not what is.

Indeed we did not make an answer; and the Reason was because it was only a short Repetition of what your Ex^y had sundry times said before, and we as often Reply'd to.

In the next Paragraph your Ex^y says, had our message of the 27 of September been the first of that tenor you might have been induced to believe it was in Earnest: It is true indeed it was a Message of the old Tenor But we assure you it was no counterfeit nor sent your Ex^y to Jest: and if while your Ex^y is making our Importunate Request in behalf of his Majestys Exposed Defenceless subjects in the frontiers only a jesting matter any of them should be slain, Captivated or their substance Destroyed by the Indians, would it not give you occasion for very sorrowfull Reflections? for the more Effectual prevention of which we once more Renew our Request in their behalf and assure your Ex^y that if you [p. 191] will permit us to act we will soon convince you of our being in Earnest by granting the necessary succours according to our ability and in doing every other thing that an Assembly ought to do.

Is it possible for your Ex^y to imagine that your telling us you did not believe we were in earnest, that words may be Calculated to deceive, that you must suspend your belief, and your advising us to take off the mask, will pass for Reasoning with Reasonable men, or be Deem'd a suitable Reply to a serious request on so important an occasion, or that it can appear in any other light than an evasive answer to what we had so pressingly asked in favor of the Exposed frontiers. If we had a Disposition to Reply in the way your Ex^y has taught us, and if it could have a tendency to Guard against the Indians, or to End the Dispute between your Ex^y & us, might we not Justly Retort some of your own Expressions. But we forbear—Choosing rather to apply Balsamicks than return your Corrosives.

If your Ex^y did not Really believe that we were in Earnest would it not have been a wise and Effectual way to have try'd us, and if we had fail'd in Granting succours for the frontiers we might justly have been charged with a Repugnancy between our words and actions.

Your Ex^y says that upon every Prorogation and adjournment for the space of or near twenty one months we have had opportunities offered to proceed upon business, and do our duty for the Relief of the frontiers: to the first part we have fully Reply'd in several former messages: to the Latter we Reply now, that with Respect to the frontiers it is impossible in the nature of things, for it is but about a month since the Indians first violated the Peace, till which time the frontiers wanted no Relief, and there has been no Session of the Assembly since, 'till the present which shows this to be another mistake.

Your Ex^y says you must suspend your belief of our being in earnest 'till there is a more exact correspondence between our words and actions: To which we Reply, that where no actions are there can be no correspondence between words and actions, and in the supposed case there have been no actions, your Ex^y having Refused to permit us to act, so that we cannot Discern the correspondence between what your Ex^y says [p. 192] and what you mean, wherefore we suspend saying further upon it till we can make a further Discovery.

As to the Paragraph of a Letter inserted in your Ex^y message, if you'l please to give us the whole of it we'l take it under consideration, and make an answer to it and send to the Right Honorable the Lords of trade without Delay. But this proposal perhaps may not suit your Ex^y.

What we find in a copy of your Ex^ys commission being properly apply'd

to the Dispute between your Ex^y & us will serve for a full answer to any thing else in your message not particularly reply'd to, and to all your messages if there had never been any answers given to them before, and in our opinion ought to put a final Issue to the controversy: The words we refer to are as follow:

"And we do hereby Require and Command you to do & Execute all "things in due manner that shall belong to your said command and the "trust we have reposed in you, according unto the several Powers and "Directions granted or appointed you by this present Commission and "the Instructions & authorities herewith given you, or by such Powers, "Instructions and Authorities as shall at any time hereafter be granted "or appointed you under our Signet & Sign manual, or by our Order in "Privey Council, and according to such Reasonable Laws and Statutes as "now are in force or hereafter shall be made &c."

From the foregoing words it appears manifestly to us that your Ex^y has no Power as a Governour but what was Granted & appointed you by your Commission, or by the Instructions you Received with it, or afterward, or by such Laws as have been made since. Now

May it please your Excellency—

Whatsoever power you see meet to exercise that is Granted and appointed you by your Commission or Instructions or the Laws as abovementioned, we are ready to pay the utmost obedience to, and whatsoever power your Ex^y attempts to Exercise which is not granted & appointed you in your Commission, nor Instruction nor the Laws aforesaid, we look upon as arbitrary & despotic and are equally determined to yield no obedience to it, nor have we the Least apprehension of his Majesty's Dis- [p. 193] pleasure Notwithstanding your menaces, unless it should be bro't upon us by undue and untrue Representation against us.

But to apply the above Recited Paragraph of your Ex^ys Commission more perticularly to the Points in Dispute we say, If your Ex^y has a Power to Negative the choice of a Speaker by your Commission, Instructions or the Law, how easy is it for you to shew it to us, and if you have and will please to do so, it will put an End to that part of the controversy at once, and how kind it would be to the Province in general to shew us this Power of Negativing if you can, and if not how Honourable it would be to your self as well as just to yield a Point you can't maintain.

Again, if Your Ex^y will shew us any Power that you have by your Commission, Instructions or the Law to augment the number of Representatives, we will immediately pay a Ready obedience to it, and more Especially if your Ex^y will lay before us an attested copy of his Majesty's whole additional Instruction of the 30th of June, 1748, with such other Instructions as your Ex^y may have (if there be any other) Respecting the calling of members from new Places to sit in Genl Ass^m or the Qualifications of Places to send members that we may know the whole of his Majesty's Pleasure and his appointment and directions in this matter we will Directly on having the same (which you have hitherto denied us) admit so many of Persons called from the new Places as are comprehended in the said Instruction or Instructions, Provided their Election was agreeable to Law.

And that we should know what his Majesty's Pleasure & Directions in this matter are, before we are required to obey the same, is so plain & Reasonable that to use arguments to prove it would be like proving first principles, and it is what his Majesty has requird of your Ex^y in that part of the said additional Instruction which we have seen in the following words: "And that you do likewise signify his Majesty's Pleasure herein to the members of said General Assembly."

[p. 194.] Does your Ex^y then do us justice in Representing us as mak-

ing attempts against his Majesty's Authority & Commands and perswading People to believe that the King was robing them of their Priviledges, and many other things of the like sort which appear in your Ex^ys messages.

We assure your Ex^y that with the greatest freedom & cheerfulness we submit it to his Majesty's Determination where the Disobedience to his Majesty's authority & commands lies; and we also freely leave it to the consideration of every considerate unprejudiced person where the fault lies that the Provincial affairs are in such a Deplorable situation as at present.

The foregoing message was sent up by Mr. Sherburne, Mr. Millet and Capt. Hall.

Mr. Sec^y came into the House and by his Ex^ys Direction adjourned the Genl Ass^m to three o'clock afternoon.

Wednesday 3^d Oct. 1750, P. M.

Met according to adjournment. Mr. Sec^y came into the House and by his Exc^ys Direction adjourned the Genl Ass^m till to morrow ten o'clock.

Thursday 4th Octr. 1750, A. M.

Met according to adjournment. Mr. Sec^y bro't down a written message from his Ex^y—which is on file.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 81.]

Province of New Hampshire. } To the members return'd to serve in General Assembly, by virtue of the Kings Writ,

I tho't it for his Majesty's service to keep the General Assembly sitting, from the 28th of Sept. until I received an answer to my message of that date & on the 3^d of October at one o'clock it was sent to the chair crouded with indecent and unparliamentary Language agreeable to most of the members perhaps that understood it, and pass't it, nemine contradicente, but as your unbecoming behaviour can't affect me, so it must opperate against you & perhaps greatly to the prejudice of the people you represent,—when the whole of your conduct appears in another place; I shall therefore take no further notice thereof, but confine myself to what I esteem most essential to his Majesties service.

You have refused for near twenty one months past, to proceed to the choice of a new Speaker & have deny'd the new members called by the King's writ to sit in General Assembly, a seat and vote in the House, before you were qualified to sit & vote thereon yourselves, alleging that the King's Governor had not a Power vested in him to negative a Speaker, challenging him to show his power if any such he had, & then you would submit to it, You have been told by me that the former was a prerogative too delicate in its nature for me to dispense with & the latter agreeable to his Majesty's Instructions Therefore upon every Prorogation & adjournment Since Feby 1748 have you not had it in your Power to call in the new members, to proceed to the choice of another Speaker, & to put an end to the deplorable posture of our public affairs, without the least interruption from me.

The King's Commission & Instructions are what will support me in neg-

ativing the Speaker you made choice of, and the paragraph you have recited in my Commission is in point against you on that head, if you will read it over with upright intentions, & unprejudiced eyes you must own that I have full authority vested in me in support & defence of the Royal Prerogative & consequently power to negative a Speaker, & command you to proceed to the choice of a new one, which command it was incumbent on you to obey, you being by the two following Paragraphs in his Majesty's Commission commanded & required to do it.

1. "And to do and Execute all & every thing & things which to our "Governor & Commander in chief doth or ought of right to belong.

2. "And We do hereby require & Command all officers and ministers "civil & military, & all other inhabitants of our said Province to be obe- "dient aiding and assisting unto you the said Benning Wentworth in "the Execution of this our Commission & of the powers and authoritys "herein contain'd."

Here by your disobedience you find another instance wherein you have been instrumental in bringing the Province into such a deplorable condition, & without any interuption from me as you would suggest.

I have read over my letter from the Rt. Honble the Lords Commissioners for Trade & Plantations, from which I gave you a Paragraph, & it was purely in compassion to the good people of the Province that I tho't it necessary, but I can't find that it was their Lordships intention that the whole or any part thereof, should be laid before the Assembly for their consideration, more especially before only a part of the members called by the King's writ, who in their present situation are disqualified from taking it under consideration until his Majesty's commands & Instructions are fully obey'd.

In & about the month of Feby 1748 as soon as I was recover'd from the dangerous Pleurisy I was under the Secretary authenticated that part of his Majesty's Additional Instruction given at Whitehall June 30th 1748, which related to or any ways concern'd the Assembly: Coll. Blanchard & Mr. Packer received it from my hands with directions to read it to the members present, in support of the Election of the new members, & to prevent dispute, and leave it with them if required; it was accordingly read in the House and left with you, but upon your refusing, Mr. Blanchard, Mr. Packer, the member from Southampton & Rumford a seat in the House, who were all then attending, Coll^o Blanchard return'd home and had my leave to withdraw the above said copy for the satisfaction of the People he represented, previous to which I was well inform'd that a copy was taken thereof by some of the members present, and I was soon confirm'd in it, by seeing the Instruction printed as Hampton News in the *Post boy*, so that it plainly appears that instead of denying you a copy of his Majesty's additional Instruction as you would suggest, I took early care that it should be communicated to you in the fullest & most direct way, even by your own members, which I chose rather to Employ to convey his Majesty's pleasure to you, than by signifying it by a message by the Secretary, which is what would have sufficiently justifyed me to his Majesty & all that was intended by the word signify.

I know of no Instructions that the King has commanded to lay before you, more than has been laid before former Assemblys as occasions offered, there are many which I am to communicate to his Majesty's council; because their advice and consent is necessary therein, but I don't find in the whole body of the Royal Instructions, that I am commanded to advise & consult with the Assembly, or lay any Instruction before them for their consideration, but for their complyance only therewith.

You would appear to be dutifull & Loyal subjects, you profess to be friends to your country, but unless you demonstrate your loyalty by immediate obedience & your zeal and love to your country by relieving it from the distresses you have bro't upon it, how can any honest, upright Spectators give the least credit to your professions.

Be persuaded therefore to retrieve the honour * * * *(1) house of Representatives, which you have * * to the lowest ebb, be prevailed upon to act worthy of the station you are called to sustain & to become a separate branch of the Legislature according to the King's pleasure, when you will be released from my command, which seems at present so grievous, nothing less will demonstrate to the world nor to me the assurances you have given in your Extraordinary Messages & nothing less will remove you from the situation you are in until his Majesty's pleasure is fully known.

Council Chamber B. WENTWORTH.
in Portsmo. Octr 4th 1750.

Wednesday 3d Octr. 1750 P. M.

Met according to adjournment—[and then by adjournment and prorogotion, from time to time, met again]

Thursday, Novembr 8, 1750, A. M.

[P. 195.] Mr. Secy bro't down a written message from his Exy, which is as follows, viz.

Province of New Hampr. } To the members convened by the King's writ to sit in Genl Assm.

Gentlemen—By and with ye advice of his Majesty's Council I have kept you under short Prorogations & adjournments great part of ye time since January 1748 in Expectation that sooner or Later you might Return to your duty & Obedience by paying a due Regard to his Majesty's commands signified to you by his Governour in proceeding to the choice of a New Speaker in conjunction with the new members—with these views I have and shall keep you under short adjournments & Prorogations untill you think it your Duty & Interest to comply therewith or his Majesty's Pleasure be further known concerning your past conduct.

B. WENTWORTH.

Councill Chamber in
Portsmouth, November 7th 1750.

[P. 196.] Mr. Secy by his Exys Direction adjourned the Genl Assm to three o'clock.

P. M. Met according to adjournment [and without doing any business, met and adjourned from time to time till]

[P. 201.] Thursday, 27 June 1751, A. M. (2)

Mr. Secy came into the House and said that his Exy had Directed him to Inform the House that he was still waiting on the Deliberations of the House, Expecting they would proceed to the choice of a Speaker in conjunction with the new members;—and afterward he came and by his Exys Direction, adjourn'd the Genl Assm to three o'clock.

(1) Several words effaced in the original.—ED.

(2) In the *interim*—i. e. between Nov. 8, 1750, and June 27, 1751, there were thirty-six meetings and adjournments of the House, without doing any business.—ED.

Thursday 27th June 1751, P. M.

Met according to adjournment. Mr. Secy by his Exys Direction adjourn'd ye Genl Assm till to morrow ten o'clock.

Fryday, 28th June 1751, A. M.

Met according to adjournment [and so met and were adjourned [P. P. 202–5] from time to time,] till

Saturday 4th Jany 1752. (1)

Met according to adjournment. Mr. Secy and John Downing Esq. came into the House and Mr. Secy said he was Directed by his Exy to deliver a message to the House and then Read a long message from his Exy the Governour to the House (a) and after he had read the Message he said I am,

"Directed by his Excellency to acquaint you that he has Dis-"solved the General Assembly of this Province, and accordingly "in his Majesty's Name you are DISSOLVED."

(a) This message of the Governor cannot be found: But the *Journal of Coun. and Assemb.* Jany 4th 1752, says, "His Excellency sent Col. Downing & Secy to the House with a written message—taking notice of several Paragraphs of President Cutts Commission in relation [to] the first authority for calling Assemblys and mentioned the Assemblys three years dispute agast the Kings Commands—setting forth that those Disputes were the cause of many injuries as the shutting up of the Records, the loss of Excise, the loss of the Interest that might have been gained by the money in England, the soldiers that defended the frontiers the last year of the war remaining unpaid, &c. &c. which was read in the House the members Present."

(b) Jour. Coun. & Assem. June 27, 1751. His Excellency sent the Secretary to the members of Assembly, with the following Messa, viz. That he was waiting upon them to proceed to the choice of a Speaker in conjunction with all the new members called in by the Kings writ.

Coronors Inquest.

[Copied from MS. Corr. vol. II, p. 53]

Prov. of New Hamp. } These may certify whom it may concern that Mr. John Shackford one of the Coronors for said Province bro't in to his Majesty's Court of General Sessions for the Peace, holden at Portsmo In & for said Province in December Sessions 1750, an Inquisition on the Dead Body of Mehitable Higgins and also two other Inquisitions of two Dead Bodies, Thomas Manuel Bangs 30th day of June 1751, the other the 11th Day of July followg on the Dead Body of Richard Major found Drowned in this Town of Portsmo aforesd.

Ordered by the Court that the Clerk Certify it and give an order on the

(1) In the *interim*—The House met and were adjourned thirty-seven times.—ED.

Treasurer of the Province for the time being for the charge and to pay the money to the Coroner aforsd, there being no Estate to be found to pay said charges. The charge is as follows, viz.

Mehitable Higgins—charge		£2 : 14 : 8
Thomas Manuel Bangs,	Do.	2 : 14 : 8
Richard Major—	Do.	2 : 14 : 8
	New Tenor	£8 : 4 : 0.

A true Copy—Attest. W. Wentworth, Cler.

Indorsed—"Mr. Jno Shackford's order on the Treasurer for £8 : 4. for three Dead Bodies found Dead in Portsmo." [No date]

[P. 215.] *Anno Regni Regis Georgii Secundi Magnae Brattaniae, Franciae Hibernae Vicesimo Sexto Annoque Domino* 1752.

A JOURNAL OF THE HOUSE OF REPRESENTATIVES.

At a General Assembly of his Majesty's Province of New Hampshire began and held at Portsmouth in said Province on the second Tuesday in September, being the ninteenth (1) day of said month, 1752, in the twenty.sixth year of his Majesty's Reign.

Tuesday, September 19th 1852.

[From Journal of Council and Assembly.]

Province of New Hampr. *New Assembly.*

At a Council & General Assembly, called by the Kings Precept on the second Tuesday in September being (according to Act of Parliament for altering the stile) the 19th Day of the sd month, 1752.

Present in Council

The Honble Henry Sherburne Theodore Atkinson Ellis Huske	Esqs.	Richd Wibird John Downing Sampson Sheaffe	Esqs. of the Council.

The Sheriff made return on the Kings Precept for Electing members of the General Assembly, viz. That he had Issued Precepts to the several Towns & Precincts named in the said Writt, and the Persons returned are as follows:

Portsmouth	Matthew Livermore Esq. Eleazr Russell Esq. Mr. Henry Sherburne, jun.
Dover	Thomas Millet Majr Thomas Davis Capt. John Wentworth
Hampton	Richd Waldron Esq. Deacon Jos. Philbrick
Exeter	Col. Peter Gilman Mr. Zebulon Giddings
New Castle & Rye	Capt. Thomas Bell Richard Jennes Esq.
Kingstown	Jedh Philbrick

(1) This record is according to the *New Style* which is here for the *first* time used. The reformation in the calendar proposed by Pope Gregory XIII, in 1582, was adopted by Act of Parliament in Great Britain in 1751, by which Act 11 days in September, 1752, were retrenched, and the third day was reckoned the fourteenth. Hence if according to the *Old Style* the second Tuesday in September was the eighth day of the month, then according to the *New Style*, it would be the nineteenth.—Ed.

Hampton Falls, Meshech Wear Esq.
Newington, Mr. Jno Knight jun.
Stratham, Corn^{t} Thomas Wiggin jun.
Londonderry, Jno Memurphy Esq.
Durham, Joseph Thomas
Greenland, Clem^{t} March, Esq.
New Market, Capt. Isr^{l} Gillman
South hampton, Jno. Page Esq.
Chester, Lieut Silvanus Smith
Plastow & Hampstead, Lieut Thos Hale
Salem & Pelham, Mr. Henry Sanders
Dunstable & Merrimack, Mr. Jon^{a} Lovewell
Rumford

Thursday September ye 21st 1752.

[p. 216] The Honble Theodore Atkinson and the Honble Richard Wibird, Esqs. came into the House and said that his Excellency the Governour directed them to administer the oaths appointed to be taken instead of the oaths of Supremacy and allegiance, and accordingly administered the said oaths to the following gentlemen who afterwards subscribed the said oaths and the Declaration and then they informed the members that it was Excellency's pleasure that they should Immediately proceed to the choice of a Speaker—and present him for his Excellency's approbation.

Members present and sworn. (a)

(a) Journ. Coun. & Assem. Sept. 21, 1752. Said oaths administered agreeably to Directions to Twenty-three members returned by the Sheriff as Elected in the several Parishes Towns &c. to serve in General Assembly & which were all that was returned Except Richd Waldron Esq, returned for the town of Hampton, & Lieut. Silvanus Smith for Chester.

Matthew Livermore	For Portsmouth
Eleazer Russell, Esq	For Portsmouth
Mr. HenrySherburne, jun	For Portsmouth
Thomas Millet	for Dover.
Maj^{r} Thos Davis	for Dover.
Capt. John Wentworth, 3d	for Dover.
Deacon Joseph Philbrick	for Hampton.
Peter Gilman, Esq	for Exeter.
Mr. Zebulun Giddings	for Exeter.
Thomas Bell Esq.	for New Castle & Rye.
Richard Jennes Esq.	for New Castle & Rye.
[p. 217.] Jedidiah Philbrick, Esq.	for Kingston
Meshech Weare Esq.	for Hampton-Falls
Mr. John Knight, jun^{r}.	for Newington
Cornet Thos. Wiggin	for Stratham
John MacMurphy Esq.	for Londonderry
Mr. Joseph Thomas	for Durham

Clem[t] March Esq.	for Greenland
Capt. Israel Gilman	for Newmarket
John Page, Esq	for Southampton
Lieut. Thos. Hale	for Plastow & Hampstead
Mr. Henry Sanders	for Salem & Pelham
Mr. Jonathan Lovell	for Dunstable & Merrimack

Soon after the afores[d] members were sworn Mr. Secretary by his Excellency's order adjourned the General Assembly till three of the clock in the afternoon.

Post Meridiem. Met according to adjournm'nt A motion being made by some of the members whether the House would immediately proceed to the choice of a Speaker—It was thought necessary that a copy of his Excellency's Commission should be layd before the House. Whereupon Meshech Wear and John Macmurphy Esqs. were desired to wait upon the Secretary and get a [p. 218.] copy of said Commission, who return'd and said he had it not in his office but as soon as it could be had the House should have it.

About sunset the Secretary came into the House and adjourn'd the General Assembly by his Excellency's order (as he said) till tomorrow morning Ten of the clock.

Fryday, Sept. 22[d] 1752.

Met according to adjournment, And the copy of the Governours Commission being brought into the House it was Read, and then some of the members making a motion that a message be sent to his Excellency to enquire of him if he had any instruction or Instructions relating to the choosing a Speaker, and Meshech Wear and John Macmurphy Esqs. were desired to & accordingly waited upon his Excellency to make the above enquiry, who delivered the message & soon afterwards Mr. Secretary came into the House and said his Excellency's answer was that he did not know that he had any Instruction or Instructions relating to the choice of a Speaker, but if they referr'd to what Places should send members the General Assembly had had already what related to that, or words to that purpose.

[p. 219.] And then the House proceeded to bring in their votes for a Speaker, which being Examined it appeard that the Honorable Meshech Weare Esq. was chosen Speaker of the House by a majority of Votes, and was accordingly conducted to the chair. And then Matthew Livermore, Thos. Millet Esqs. Mr. Henry Sherburne jun. Peter Gilman & Thomas Bell Esqs. were appointed a Committee to wait on his Excellency and Inform him that the House had made choice of Meshech Wear Esq. to be

their Speaker, which message they deliver'd and returned to the House & soon after Mr. Secretary, the Honorable Richard Wibird & John Downing Esqs. came into the House and said that his Excellency approved of the choice of Meshech Wear Esq. for their Speaker and that his Excellency ordered the House of Representatives to give their attendance at the Council Chamber. The House Immediately attended, and his Excellency the Governor read the following Speech to them.

Gentlemen of the Council & of the Assembly

Notwithstanding the unhappy situation of the public affairs, I have been prevented by the Providence of God from meeting you in General Assem-
[p. 220.] bly untill this time, and it will be the greatest difficulty now, to give my attendance on the present sessions.

I shall therefore recommend the Restoration of a happy union between the Respective Branches of the Legislature, and a due observance of the several Powers each branch is invested with, which must prevent all unnecessary controversys & Issue in the peace and prosperity of the Province.

It will give me great satisfaction to meet yon at a time of such difficulty, disposed sincerely and with one voice, to extricate the Government out of its present and growing distresses, and unless a speedy Remedy is found and applied, the Posture of your public concerns will not only bring the Government into the deepest disgrace, but the consequence may be of a more dangerous nature.

Gentlemen of the Assembly

Upon Examining into the public funds and enquiring into the Just demands on the Government, you will find it necessary to supply the Treasury with a sum equal to such demands; in like manner, to defray the growing charges of the Government, & such other contingencies as are not already provided for, among other things I must recommend to your
[p. 221] consideration the condition of my house, and making an adequate grant for the arrearages due on my salary, and an alteration in the time of payment.

The State of his Majesty's Fort William & Mary, where the Royal Bounty has placed so many valuable stores, demands your Immediate care, and the Honor and safety of the Government requires it.

It should be your early care to have a Recorder chosen, and the Excise put under proper Regulations, and it being your province more Immediately to make the Provision I have recommended, I shall not doubt of your discharging that part of duty with the utmost readiness and the strictest justice.

The several sums his Majesty has been graciously pleased to Repay towards defraying the Expenses of the Louisbourg and Canada Expeditions will amount to about £30,000 Str. clear of all deductions & other charges. You will therefore look into the State of these Expeditions and in support of the public faith make provision for all things that were engaged to be executed in the Act for emitting the sum of £60,000 in order to the calling in and sinking said Emission, & I shall direct the Treasurer to prepare his accounts for your Inspection & Government herein.

I have his Majesty's Additional Instruction given at Whitehall April
[p. 222.] 16th 1752, with other matters and things to lay before you which shall be communicated by messages at proper opportunitys in the course of the session, & as they relate to his Majesty's service and the good of the Government they must merit your attention.

Gentlemen of the Council & of the Assembly

The Acts for altering the sitting of the Courts of Appeal & the Superior Court of Judicature are not to be found in the Records of the Secretary's office whereby many inconveniences may arise, before a copy of these Acts duly authenticated can be obtained from the Plantation office, I must therefore recommend the speedy passing of an Act for establishing the sitting of said Courts & every other matter relative thereto, that may be expedient.

I Recommend to you unanimity and Dispatch in all your public Business and whatever is for his Majesty's service & the prosperity of the Government, you may be assured of my hearty concurrence with you in.

B. Wentworth.

Council Chamber in Portsmouth,
September the 22d 1752.
Copied from the original speech.

Mr. Speaker asked for a copy thereof and the original was sent by Mr. Secretary. Mr. Speaker and the House being returned to their own Room they made choice of a clerk, and Matthew Liver- [p. 223.] more was chosen Clerk of the House, and was sworn to the faithful discharge of that office by Meshech Weare Esq.

Voted, That the High Sheriff be directed to lay all his Precepts for choosing Assembly men & the Returns thereon before this House & Mr. Israel Gilman is directed to inform the Sheriff thereof.

Voted That the Secretary be desired to lay the Kings writ for calling this Assembly and the Sheriff's Return thereon before this House and Coll. Peter Gilman is directed to Inform him thereof.

Mr. Sheriff Packer brought in to the House his Precepts and the Returns thereon and delivered them to the Speaker. Coll. Gilman Brought in the King's writ for calling the Assembly and the Sheriff's Return thereon and laid it on the Table, and then the King's writ & ye Return thereon and the Sheriff's Precepts & the Returns thereon were read.

And then the Speaker adjourn'd till nine of the clock to-morrow morning.

Saturday Sept. 23d 1752.

Met according to adjournment. And after some debate Mr. Knight was sent to the Secretary to get the copy of the charter of Southampton, Plastow, Hampstead, Salem, Pelham, Dunstable, & Merrimack, soon after which Mr. Secretary brought into the House the Council Book wherein the sd Charters were recorded and the same were read in the House out of the sd Council Book, and soon after Mr. Secretary came into the House and adjourn'd the General Assembly till Monday next eleven of the clock in the forenoon.

Monday Sep^{t} 25th 1752.

A number of the members being met the Secretary came and adjournd the General Assembly till three of clock afternoon.

[p. 224] P. M. Met according to adjournmnt A motion being made whether the House would now come to the consideration of the Election of the members returnd from new Places to serve in this General Assembly, and also a motion being made by Mr. Jona. Lovell to examine and enquire into the Right and method of New Castle & Rye, Hampton Falls, Londonderry, Greenland, Newington, Stretham, New Market, Durham & Kingston their sending Representatives to serve in Genl Assembly, and it being observed that there was not a full House orderd that the consideration thereof be put off till tomorrow morning for a full House.

Mr. Speaker adjourn'd till tomorrow morning nine of the clock.

Tuesday Sept. 26th 1752.

Met according to adjournment.

The order of yesterday in the afternoon being read and there not being a fuller house than when s^{d} order was made, further ordered that ye consideration of the matter therein referred to be further suspended till there is a fuller House.

Voted That the Clerk of the late Assembly deliver into the hands of the present Clerk all the Books, papers and files in his hands relating and belonging to the Assembly.

[p. 225.] Voted that Mr. Speaker, Mr. Henry Sherburne jun. and Coll. Peter Gilman be and hereby are appointed a Committee of this House to draw an answer to his Excellency's Speech made to the General Assembly the twenty-second Inst. And lay the same before the House as soon as may be.

Voted That the Rev^{d} Mr. Samuel Langdon & the Rev^{d} Mr. Samuel Haven be desir'd to pray with this House (at about ten of the clock in ye forenoon) alternately during this session or sessions and that Mr. Russell acquaint them thereof.(1)

Mr. Speaker adjour'd till three of the clock in the afternoon.

Post Meridiem

Met according to adjournment.

Voted that the following be the Rules of the House.

(1) Mr. Samuel Langdon was minister of the First or North Church in Portsmouth. He was born in Boston, graduated 1740, was ordained Feb. 4, 1747, dismissed Oct. 9-1774, to accept the Presidency of Harvard College, and died, after a life of eminent usefulness, Nov. 29, 1797, aged 74.

Rev. Samuel Haven was minister of the South Congregational Church in Portsmouth, graduated at Harvard College 1749, and was ordained May 6, 1752. He died March 3, 1806, aged 79.—Ed.

1. That whosoever shall by any misbehavior in speech or action justly offend any of members of the House shall for the first offence be admonished, for the second fined as the House shall see meet.

2. That no member speak twice until every member have liberty to speak once if he please.

3. That every member direct his speech to the Speaker and not to one another, and when any member has a mind to speak to any case that he [p. 226.] stand up and ask leave of the speaker to speak.

4. That whenever it happens that there are as many votes on one side of the Question as on the other without the Speaker, that then the Speaker make the casting vote.

5. That if the Speaker be absent, the House may choose a Speaker pro tempore, that the affairs of the House may be carried on without stop.

6. That if any member after being Qualifyed and entered shall absent himself at any time without leave from the House, he shall be liable to be fined at the discretion of the House.

7. That if any member of this House shall be by the major part of this House, tho't unfit and not qualifyed for s^d^ Place, it shall be in their power to dismiss such person, giving notice to the Town or precinct where he belongs to choose another to fill up such vacancy.

8. That every Bill to be pass'd in this House be read three times and that there be two adjournments of this House before any Bill be pass'd into an act and that every member keep his place in the House and not speak out of it.

[p. 227.] 9. That the Speaker with eleven members be a House to do business.

10. That no vote that is pass'd in the House shall be reconsidered by a less number.

Whereas there has been a motion made to take into consideration the Election of Some members return'd from new Places to serve in this General Assembly, and also a motion being made by Mr. Jonathan Lovell as on file, and considering the length of time it will take to produce evidence of one sort and another to act thereon with safety, and considering also the circumstances of the Province and that it is necessary for the well being thereof that the House immediately proceed upon Business. Therefore

Voted, That the consideration thereof shall be further suspended in order to get further and more light. Mr. Gidding moved that his dissent might be entered against the above vote which is entered accordingly.

Voted, That Mr. Speaker, Mr. Henry Sherburne, jun^r^. Thos Millet Esq, and Coll. Peter Gilman be a Committee of this House to draft a vote in the best manner they can relating to the Records of Deeds and Conveyances and lay the same before this House as soon as may be for their consideration and acting thereon.

[p. 228.] And then the Speaker adjourn'd the house till to morrow morning nine of the clock.

Wednesday Sept. 27th 1752.

Met according to adjournment. Adjourn'd till three of the clock in the afternoon.

Post Meridiem.

Met according to Adjournment. Adjourn'd till to-morrow nine of the clock.

Thursday Sept. 28th 1752.

Met according to adjournment.

Voted, That Daniel Pierce Esq. be and hereby is appointed Recorder of Deeds and Conveyances of Lands for this Province for the space of one year, commencing from the time he shall be qualifyed to act in said office and untill the third day of the next sitting of the General Assembly after the Expiration of the said term, and that he shall not be qualifyed to act as Recorder untill he shall have given Bond, with two sufficient Suretys jointly and severally in the sum of Ten thousand Pounds unto the Speaker of the House of Representatives for the time being and taken an [p. 229.] oath for the faithfull discharge of the said office and that he be not qualifyed to act in said office untill fourteen days after this vote has passed the three Branches of the General Assembly and that the fee for Recording shall be nine pence a page each page to consist of twenty eight lines eight words to a line, and three pence for the attestation of such Record and its being compared with the original, and the same for a copy from the Record, and the attestation thereon of its being compared with the Book, and that the Honorable Henry Sherburne, Richard Wibird and Meshech Wear Esqr. and Eleazer Russell and Thomas Bell, Esqrs be a Committee and that they or the Major part of them take the Books & papers belonging to the said office of Recorder into their custody in case of the death or incapacity of the said Recorder, or the Expiration of the term above mentioned, & them safely keep untill further order of the General Assembly, and it is further Voted, That the said committee or the major part of them take a list of all the Books now belonging unto the said office and Receipt for the same from the sd Recorder and that they be under oath for [p. 230.] the faithful discharge of their trust, and that a Duplicate of said Receipt be lodg'd in the Secretary's office. (a)

(a) Jour. Conn. and Assem. Sept. 28, 1752. Capt. Israel Gilman & Capt. Jedediah Philbrick bro't up from the house a vote appointing Daniel Pierce Esq recorder of Deeds &c. which being read a message was sent from the Governour and council to the house to recommend to their consideration weither it would not be better to have the recorder execute the office till another recorder should be chosen & sworne in his room instead of the Third day of the next session &c. as mentioned in the said vote &

to enquire if such a clause had had its Determination in the house, if so to return the s^d^ vote, if not to leave it with the house, which message being deliver'd the Speaker said, that Paragraph had been under consideration & was disapproved by the house—which answer being reported at the board the s^d^ Vote was again read and concurr'd by the Council and assented to by the Governour.

Sent up by Capt. Israel Gilman and Jedediah Philbrick, Esq^s^.

Adjourn'd till three of the clock in the afternoon.

Post Meridiem.

Met according to adjournment.

Whereas the acts for altering the sitting of the Court of Appeals and of the Superior Court of Judicature are not to be found in the Secretary's office, and inasmuch as many inconveniences may arise before a copy of those acts can be obtained from the Plantation office which may be very prejudicial to the Government, and whereas the Justices of the Court of General Sessions of the Peace have by Law no power of adjourning that Court whereby many Illconveniencys have already happened and many more may happen, for prevention and Remedy whereof,

Voted That Mr. Henry Sherburne Junr and Matthew Livermore be a Committee of this House to joyn with such as shall be appointed by the Honble Council to draw up a suitable Act relating to the premises, (a)

(a) Jour. Coun. & Assem. Sept. 28, 1752, P. M. Which vote was concurrd, a Committee added on the part of the board and assented to by the Governour.

Sent up by Richard Jennes, Esq. and Deacon Philbrick.

[P. 231.] Voted that his Excellency the Governor be desired to direct the Treasurer to lay his accounts before the General Assembly as soon as may be, as the House is now ready to proceed to the Examination of the said accounts. Sent up by Mr. Bell and Mr. Lovell.

Adjourn'd till tomorrow nine of the clock.

Fryday Septemb^r^ 29th 1752.

Met according to adjournment.

Voted That Mr. Sherburne be desired to wait on ye Chairman of the Committee for letting out the £25000 Loan and desire ye Chairman to lay before this House a State of s^d^ Loan with respect to what is paid unto the s^d^ Committee of the principal and interest.

Mr. Sherburne accordingly waited upon the Chairman of the Committee and reported that the Charman said it should be done as soon as may be.

Adjourned till three of the clock in the afternoon.

Post Meridiem.

Met according to adjournment.

Richard Wibird Esq. came into the House and said he was di-
[p. 232] rected by his Excellency to deliver two letters, and desir-
ed the House to take them under their immediate consideration and advise him what methods they tho't best to pursue, and if they tho't proper to give a Reward he would immediately Issue his proclamation.

Voted that the following be sent up to his Excellency as an answer to his Excellencys speech made to the Gen[l] Assembly dated y[e] 22[d] day of Sept. 1752.

May it please your Excellency

The unhappy situation of the public affairs of this Province now are and for so long a time past have been in, gives great concern to us, the Representatives of this Province, and its present and grievous Distresses are not unobserved by us, and we assure your Excellency of our hearts desire of a happy union between the Respective Branches of the Legislature and of our sincere Disposition to do every thing in our power consistent with the duty we owe to his Majesty and the good of the people we Represent to Extricate the Government out of its present Difficultys and to advance the true interest thereof. We shall take under consideration the several things recommended by your Excelency, shall Endeavour to give a due attention to y[e] importance of them and to do that which [p. 233.] shall appear for the best Intrest of the Government—To pursue which is the Honour and Intrest of all the Branches.

Sent up by Mr. Wentworth & Mr Wiggin.

Adjourn'd till to morrow morning nine of the clock.

Saturday Sept. 30th 1752.

Met according to adjournment.

Voted that the following be an answer to his Excellency's Message of yesterday by Richard Wibird Esq.

If your Excellency thinks it expedient to Issue out a Proclamation for apprehending the Persons mentioned in the letter signed P. I. as murtherers, the House consent that a Reward of fifty Pounds new Ten[r] be offer'd to any Person or Persons who shall apprehend the said Persons in this Province and they are convicted.

But the House are of the opinion that the most likely way to have them apprehended, would be to send an officer or officers to apprehend the Persons suspected before a proclamation is Issued.

Sent up by March.

The Secretary came into the House and said his Excellency had directed him to adjourn the Gen[l] Assembly till Monday next eleven o'clock in the forenoon and accordingly adjourned the same.

[P. 234.] Monday Octob^{r} 2nd 1752.

A number of the members being met, the Secretary adjourn'd the Genl Assembly till to morrow morning ten of the clock in the forenoon.

Tuesday Octob^{r} ye 3rd 1752.

A number of the members being met, the Secretary came into the house and said he was directed by his Excellency to adjourn the General Assembly till three of the clock in the afternoon and accordingly adjourned the same.

Post Meridiem.

Met according to adjournment. The House adjourn'd till to morrow morning nine o'clock.

Wednesday Octob^{r} 4th 1752.

Met according to adjournment. The act for altering the time of the sitting of the Governor and Council as a Court of Appeals &c. being brought into the House was read a first time.

The House adjourn'd for quarter of an hour by order of the Speaker.

Met according to adjournment. The above act was read a second time.

Post Meridiem.

[P. 235] Met according to adjournment. The afore-mentioned act read the third time and pass'd to be enacted and sent up by Mr. Jedediah Philbrick, Mr. Knight and Mr. Lovewell for concurrence.

Mr. Secretary came into the House and said he waited upon the House with two Messages from his Excellency and deliverd them and two other papers, the contents of which the House would see and recommended the consideration thereof to the House when there should be a convenient opportunity.

[Message and papers referred to copied from MS. Gov^{rs} Messages, Vol. II, pp. 91, 92.

Mr. Speaker & Gentlemen of the Assembly—

The Right Honble the Lords Commissioners for Trade & Plantations haveing transmitted to me of 28th April, 1752 an Additional Instruction from their Excellencys the Lords Justices, Given at Whitehall the 16th day of April 1752, requiring & directing me jointly with the Council and Assembly of the Province under my Government, forthwith to revise the Laws, Statutes & ordinances now in being, & in Lieu thereof to frame & pass a complete body of new Laws, which I must press you to give your services & diligent attention to, and as the said Instruction only relates to this weighty and Important concern, you will herewith receive a copy thereof for your direction & guidance.

Their Lordships, apprehending difficultys might occur in carrying this

Instruction into Execution, they have sent me a law passed in Virginia upon the burial of their old Laws, which as far as it sutes with the Constitution of this Government will greatly Expedite the method of burying our old Laws. I now send it down by the Secretary for your perusal & direction.

And as their Lordships have in a most tender & affectionate manner expressed themselves on this occasion, I have given you the Paragraph of their letter in the words following:

"As difficultys may occur with Respect to the method of carrying the "latter of these Instructions into Execution, We think it proper to inclose "to you a copy of an Act passed in Virginia for the revisal of the Laws of "that colony which has been successfully executed, and as it appears to "us to contain very prudent regulations for the attainment of so desirable "an end, wee recommend it to you to endeavor to follow the same plan as "nearly as the particular circumstances of your Government will admit.

"We must likewise recommend it to you to use your best endeavours "in carrying this Instruction into Execution to prevail on the Assembly "to make effectual Provision in the new body of Laws for all such mat-"ters as have been from time to time recommended to you by Instruc-"tion or otherwise, & for which provision may not have been already "made; so we bid you heartily farewell and are

Your very Loving Friends & humble Servants

DUNK HALIFAX
J. PITT.
DUPPLIN
CHARLES TOWNSHEND."

Whitehall, April 28th 1752.

It will give me great satisfaction to find that a matter of such general concern to the Public should be entered upon readily & cheerfully, and as the method of doing it which must have taken up a great deal of your time, is fairly pointed out by a Colony that has succesfully gone through a thing of the same nature, I am hopeing nothing will prevent our success.

Council Chamber in
Portsmouth, Octo 4th 1752.

B. WENTWORTH.

[Copied from MS. "Addresses to the King." pp. 72, 73.]

Mr. Speaker &
Gentlemen of the Assembly,

Upon my transmitting the several Acts passed by me to the Right Honble the Lords Commissioners of trade & Plantations, their Lordships having first taken the above acts under consideration, are pleased to write me thereon as follows:

"The two first of the above four Acts for Erecting, Establishing & In-"corporating Parishes, have clauses which direct that they shall have all "the Libertys & Privileges of other towns & Parishes, Saving only the "choosing a representative in General Court, in which matter, the Inhab-"itants at the said Parishes are to joyn with the other towns, & the two "last declare that the Inhabitants of the new Parish shall remain with the "inhabitants of the old Towns, from which they were taken as to the "choosing representatives until further order of the General Court. "These provisions appear to us to be encroachments on the Prerogative "of the Crown, inasmuch as his Majesty's Governor is impowered by his "Commission & Instructions to Issue Writts in his Majesty's name to any "Parish or township duly qualified according to the *Said Instruction* to "send a representative to the Assembly, from which power these Acts do "preclude him, and therefore we should have laid the same before his

"Majesty for his disapprobation, but as the respective Parishes may have "been settled under the said Acts, & their privileges confirmed to them "thereby, such a repeal might greatly affect the prosperity of the Inhabi-"tants, & therefore we the rather recommend to you to endeavor to "get Laws passed as soon as possible, for explaining & amending the "former Laws in the particulars above mentioned, and be very carefull "for the future of giving your assent to Laws of this kind.

Signed,

Dunk Hallifax
J. Granville
F. Fane
J. Robinson
J. Pitt.

Their Lordships of 14th Decr 1749, write me, again:

"You yielding to the assembly, in suffering them to insert clauses in "the Actspassed for Division of old Towns, empowering or restraining "those towns from sending Representatives to the General Assembly, by "which the prerogative of the crown was infringed, has, we fear, in "many points been the occasion of the extraordinary encroachments "they have from time to time continued to make, & have at length car-"ried to so dangerous a pitch. Should they refuse to pass acts to Ex-"plain & amend those above mentioned, We shall lay them before his "Majesty for his Disapprobation, & recommend Charters of Incorpor-"ation.

Signed, J. Pitt Chs Townsend
Dufflin J. Greenville.

As I cannot be more particular, or in stronger terms recommend the passing the Acts of Amendment refer'd to in the two above recited paragraphs from the board of Trade, I shall only press your cheerful and ready complyance therewith.

B. Wentworth.

Council Chamber
Portsmo Octo 4, 1752.

[Acts referred to.]

An act for incorporating a new Parish in the Township of Londonderry in the Province of New Hampshire, Passed Feby 12th 1741-2.

An Act for erecting & incorporating a new Parish or precinct in the township of Exeter in the Province of New Hampshire. Passed 23d February 1741-2.

An Act for making & Establishing a Parish in the South Westerly part of Exeter in the Province of New Hampshire Passed 26th June 1742.

An Act for making and Establishing & Confirming a Parish in the northerly part of Hampton in the Province of New Hampshire, agreeable to the metes & bounds herein after mentioned. Passed 30th November, 1742.

The Treasurer came into the House & delivered his accts.

The House adjourn'd by order of the Speaker till tomorrow morning nine of the clock.

Thursday Octobr 5th 1752.

Met according to adjournment.

Whereas an Act Entitled an Act in addition to an Act for granting unto his Majesty an Excise on several Liquors made & passed

by the General Assembly of this Province in the nineteenth year of his Majesty's Reign is expired, the same being Temporary, and whereas the said act while in force was found to be beneficial to this government,

Voted That the said act be Revived for the space of Ten [p. 236] years from the Day this vote shall pass the three Branches, and whereas there are considerable sums of money due for Excise to this Government, by virtue of the said act before it expired, which money began to become due on the sixteenth day of May 1748 and ended the first day of July 1751 when the said act expired—And considerable sums due for Excise by virtue of an act made and passed in the fifth year of his Majesty's Reign Entituled an act for Granting unto his Majesty an Excise on several Liquors,—It is further Voted that the Excise upon the several Liquors mentioned in the last recited act shall be the same as the Excise mentioned in the first recited act herein voted to be revived, & further voted that the whole of the Excise now due as afores[d] shall be recover'd by the Collectors hereafter mentioned and appointed who shall be and hereby are invested with all and singular the Power of collecting the same which the farmer of the Excise had by virtue of the said acts—that every Retailer & Taverner give a true account upon oath to the Collector in whose District he or she lives of what Liquors (liable to pay Excise) he or she hath sold between the sixteenth day of May 1748 and the day on which this vote shall pass the three Branches—And if any Taverner or Retailer shall refuse to give such account upon oath (which any justice of the Peace within this Province is hereby Im- [p. 237.] powered to administer) that he or she pay a fine of Eight Pounds new Tenor to the collector in whose District he or she lives for the use of the Government which shall be in full for his or her Excise during the said time, which fine shall and may be recovered by such Collector in the same way and manner as the fine for refusing to swear is Recoverable in and by the last recited act. And whereas there is no person or persons appointed to collect and Receive the Excise afores[d]—Voted, That there be collectors appointed for that end, and that when appointed they be under oath for the faithful discharge of the said trust, & that each of them give Bond to the Speaker of this House for the time being in the sum of one thousand Pounds new Tenor with two sufficient suretys jointly and severally that such collector shall do all in his Power to collect the same in his Respective District and pay what he shall receive of said Excise or fines unto the Treasurer of the Province of New Hampshire for the time being Quarterly, deducting what shall be allow'd him for collecting the same, and that such Collector shall also render an account thereof under oath unto the General Assembly when thereunto required. And that there be Duplycates of the said Bonds taken, the one of which shall be lodg'd with the Speaker of this house for the time being, and the other with the Secretary, &

Further Voted, that the several Districts be as follows, viz. [p. 238] That Portsmouth, New Castle, Rye, Greenland, Newington, Stratham and Gosport be one District, and y^t^ Mr. James Stoodley jun. of Portsmouth, Inn holder, be the collector for that District, and that he be allow'd four and a half per cent for what moneys he shall collect in that District:

That Hampton, Hampton Falls, Southampton and Kensington be one District, and that Mr. Joseph Thomas of Durham be the Collector for that District, and that he be allow'd five per cent for what moneys he shall collect in that District:

That Exeter, Newmarket, Epping, Brentwood Nottingham and Epsom be one District & that Mr. Zebulon Gidding be the Col lector for that District and that he be allow'd five per Cent for what moneys he shall collect in that District:

That Dover, Durham, Rochester, Barrington & Summersworth be one District and that Mr. Joseph Thomas of Durham be the Collector for that District and that he be allow'd six per Cent for what moneys he shall collect in that District:

That Kingston, Newton, Plaistow and Hampstead be one District and y^t^ Mr. Zebulon Gidding be the Collector for y^t^ District, and that he be allow'd six per Cent for what moneys he shall collect in that District:

[p. 239.] That Chester, Londonderry, Derryfield, Litchfield and all other towns and places on the East Side of Merrymack River not before mentioned be one District and that John Macmurphy of Londonderry Esq. be the Collector for that District, and that he be allow'd six pr Cent for what moneys he shall collect in that District:

That all the Towns and places on the west side of Merrymack River be one District and that Mr. Jonathan Lovewell of Dunstable be the Collector for that District, and that he be allow'd six pr Cent for what moneys he shall collect in that District:

Further Voted That each of the said collectors be furnished by the Secretary with a copy of the two before recited acts and of the act that shall be made in consequence of this vote, at the charge of the Province; also that the Province shall be at the charge of the Bonds that shall be given. And that Mr. Speaker and Mr. Sherburne be a Committee of this House to joyn such as shall be appointed by the Hon^bl^ Council to draw up an act agreeable to this vote.

Sent up by Esqr. Philbrick & Esq. Page.

Voted That Mr. Speaker, Mr. Sherburne, Mr. Bell & Mr. Gidding be a committee of this House to Joyn with such as may be [p. 240.] appointed by the Hon^bl^ Council to consider upon that part of his Excelencys the Governor's speech relating to the money wch his Majesty hath been pleased most graciously to Repay towards defraying the Expences of the Louisbourg and Canada Expeditions and Report as soon as may to the Genl Assembly what

method will be best to proceed in with regard thereto in order to promote the General good of the Province.

Sent up by Mr. Gidding and Mr. Knight.

Voted, That Eleazer Russell, Esq. and Mr. John Knight be a committee of this House to joyn with such as may be appointed by the Honble Council to look out for and provide a suitable place or places in this Town for the Genl Assembly the Superiour Court of Jud^{c} and Infe^{r} Court of Common Pleas to set in as there shall be occasion between this time and the first of May next and to agree with any person or persons therefor at the Expense of the Province.

Sent up by Mr. Thomas and Mr. Lovewell.

The House adjourn'd till three of the clock in the afternoon.

P. M.

Met according to adjournment.

Voted that Coll Peter Gilman, Mr. Henry Sherburn Junr. and Thomas Bell Esq. be a committee of this House to joyn with such [p. 241.] as shall be appointed by the Honourable Council to examine into the Treasurer's accompts (a) and make Report thereof to the General Assembly as soon as may be, and that if they do the business in the Recess of the Court, that they be allow'd Reasonable satisfaction for their trouble and service.

(a) Jour. Coun. & Assem. Oct. 6, 1752. Mr. Livermore from the House bro't up a vote for choice of a Comittee of both houses for auditing the Treasurer's Acc't—which was read & concurr'd at the board & a comittee added and assented to by the Governor.

Sent up by Mr. Hale and Mr. Wiggen.

Adjourned till tomorrow morning nine of the clock.

Fryday Octo^{r} 6th 1752.

Met according to adjournment.

A motion being made to enquire if the vote of the House sent up yesterday to the Council appointing a Committee of this House to examine into the state of the Treasurer's account was acted upon by the Council and if not to desire to withdraw it. Mr. Lovewell went up to make the s^{d} enquiry, soon after which the Secretary brought the said vote of yesterday into the House nothing being done upon it by the Council.

Voted, That Mr. Speaker and Matthew Livermore be added to the afores^{d} Committee. Vote sent up again by Mr. Sanders.

Adjourned till three of the clock afternoon,

[p. 242] Post Merediem.

Met according to adjournment. [Adjournd.]

Saturday, Octr 7th 1752.

Met according to adjournment.

Whereas a certain sum of money has been granted by the Parliament of Great Britain for Reimbursing to this Province part of the Expence which this Province was at in taking and supporting Cape Breton and promoting an intended expedition against Canada, which said money has by order of the Lords of his Majesty's Treasury been Issued and paid unto John Thomlinson, Esq. agent for this Province at the Court of Great Britain for the use of this Province, who hath advised this Government thereof and desired he might have proper orders relating thereto, and inasmuch as this government hath not yet had an account of the particular sum allow'd and granted by the Parliament for the intended expedition against Canada and lodged with the said agent for accompt of the Province or whether in the said Grant of Parliament any particular appropriation for the use of this Province was made and ordered and forasmuch as the uncertainty of these particulars renders it impracticable for this Government at present to make any other use, profit or advantage of the said money now in the hands and under the management of the said agent than to invest it in some of the publick stocks or funds whereby it may be bringing in something [P. 243] for the Benefit of the Province, in order for the Bringing in and sinking the Bills of Credit emitted for carrying on and promoting the said Expeditions—Wherefore Voted that the said John Thomlinson Esq. be and hereby is desired, anthorized and Impowered Immediately on Receipt hereof in Behalf and in the name of the Governor, Council and General Assembly of this Province and for the use and benefit of the Province, to put the whole of the said money into such stocks or funds as he shall Judge most advantageous for the Province taking the proper and usual security therefor and sending a copy of such security with a duplicate thereof to the committee hereafter named—Further Voted, That the Interest arising from said money be applyed to the sinking the Bills emitted for carrying on and promoting said expeditions, and that Mr. Speaker and Mr. Henry Sherburn jun^{r}. be a Committee of this House to joyn with such as may be appointed by the Hon^{bl} Council to forward an attested Copy of this vote under the seal of the Province to John Thomlinson Esq. Agent for this Province at the Court of Great Britain as aforse^{d}, and to correspond with him in this affair.

Sent up by Mr. Bell & Mr. Sanders. (a)

(a) Jour. of Coun & Assem. Oct. 7. 1752. which vote was read at the board & concurred.

Letter of the Committee to Mr. Thomlinson.

[Copied from MS. Corr. Vol. II. p. 69.]

Portsm^{o}, N. Hamp^{r} Nov. 18,1752.

Sr—You'l Please to observe by the Inclosed vote that we are appointed a Committee of the General Assembly of this Province to forward it to you and to correspond with you in this affair. The vote itself is so expressive that it leaves little room for any further or more Particular Directions, the Determinations of the Govenror, Council and Assembly being to have the money therein mentioned put Imediately under the Best Improvement any of the Publick Stocks or funds will admit of, which by the s^{d} vote is referred to your discreet management. That clause in the vote that says, "if it be not repugnant to the grant made by the Parliament to his Majesty," &c. was incerted that the Governor might not be in the least suspected any way to act counter either to the Act of Parliament made for restraining the Plantations from making Paper money or Postponing the Payment of any already made or to any of his Instructions relative thereunto, but as this Grant is circumstanced we apprehend no Danger from that Question and unless we can have a better time to look about the Province will be sunk with the Load of Debts now Due, the money allowed for the Canada Expedition being but about one half the sum those Preparations really cost, so that if we should Immediately Draw for the Sterling money to sink our Paper it would by no means answer any good End, for we should in that case have about £150,000 old Ten^{r} out standing besides the great Debt due from the Province for its Defence last War which it would be Impossible to Collect should the Paper money at once be called in, especially at this time, so that there is but one way that we (on this side the water) can think of to save the Province from sinking;—therefore give us leave in behalf of the Province (which hath we believe your good wishes) to insist upon it that you Imediately put this money under the improvement mentioned in the vote & to desire you'd keep us (in the quality of a Committee) constantly & minutely advised how you Proceed therein that we may from time to time Report thereon to the General Assembly.

Mr. Wibird & the Speaker Mr. Wear, being out of Town Don't sign but as the vote Expresses all that is expected from you, their signing is not so material, however we shall soon forward a Duplicate under their hands.

We are with much respect, your most obedient Hum^{ble} Serv^{ts}

Theodore Atkinson
Henry Sherburne, jun.
(a copy)

To John Thomlinson Esq. Agent
for the Province of New Hampshire
at the Court of Great Britain in
London.

Per the ship London, Capt. Grainger.

Copy of what went with the vote referr'd to above, authenticated under the Province Seal &c.

Attest Theodore Atkinson, Chairman.

Reported to the General Assembly 28th November, 1752.

Report of Attorney and Solicitor General in respect of paying reimbursing funds for expences in the expedition against Louisbourg.

[Copied from MS. Corr. in Secy^{s} office, Vol. II, p. 33.]

To the Right Honorable the Lords Commissioners of his Majesty's Treasury.

May it please your Lordships—

In pursuance of your Lordships desire signified to us by Mr. West in his letter of Octob^r last, Representing that your Lordships having had under consideration the payment of the several sums granted by Parliament last session to reimburse to the several Provinces and Colonies in North America the Expences they have been at in taking and Securing Cape Breton, to which payment your Lordships were very desirous of giving all proper dispatch, and that the agents for the said Colloneys, on the one hand, having applied for the immediate payment of the said sums, and produced copies of the powers under which they claim the same; and the Merchants trading to New England having, on the other hand, offered reasons in a Memorial against such payment And that your Lordships not being satisfied that what the Agents call their powers are sufficient authorities on which such large sums may legally be issued; as well by reason of the dates of some of them being antecedent to the grants as because they do not appear to be derived from legal acts of the General Assemblies—Your Lordships were pleased to transmit the said Memorial and powers to us to take the same under consideration together with the votes of the House of Commons and clause of appropriation, and to desire our opinion whether these powers are such as do oblige or will in Law sufficiently justify your Lordships to issue the sums without account to the Agents respectively, especially as the Agent of the principal province has refused to give security for answering the Trust in him reposed, and accounting in the Exchequer for the same.

We have taken the said several papers into consideration, (all which are herewith return'd to your Lordships) and have been attended by the respective agents, and by some of the petitioners in the Petition of the New England merchants, to whom we thought it proper to give notice of the Reference.

As to the powers of Mr. Bollan from the Massachusetts Bay, and to Mr. Palmer from Connecticut, they are only votes of the Assembly. But as they have no Letter of Attorney under the Seal of the Province, who are Corporate Bodys by Charter from the Crown and cannot regularly make Attorneys but under their common Seal, We are of opinion that these gentleman are not properly authorized for that purpose. And tho' General Agents have been sometimes made by votes of Assembly, and such agents have acted on the Foot of such authority, which have been acquiesced in, yet in a matter relating to the Revenue, and issuing large sums of publick money given by act of Parliament out of his Majesty's Treasury, we conceive nothing should be done but according to the strict rules of Law. Nor do we think that the giving security if offered for the due accounting for the money would be sufficient ground to dispence with those Rules in the present case.

With respect to Mr. Partridge's power from Rhode Island, as he produced to us an authority under the Seal of the Province (a copy of which was sent to us from your Lordships) We are of opinion your Lordships may be well justified in paying him the sum appropriated by the said act, to Rhode Island upon his giving a proper Receipt, and leaving with your Lordships his said power.

However as the Merchants of New England have by their petiton represented the Inconvenience arising from the paper credit given in that province, as well as in the Massachusetts Bay, and desired the payment of these sums might wait till it be seen what steps would be taken there to redress that grievance, Mr. Partridge acquainted us that he was willing the money appropriated to Rhode Island might be placed in the Bank till further Instructions from his Province.

As to New Hampshire, It appearing from an Extract of Captain Thomlinson's letter to Mr. West which he likewise confirmed to us, that he cannot produce at present either the original or copy of his power, & rep-

resenting such power as he has to be only a general power of agency not adapted to this particular purpose, We are of opinion your Lordships cannot be justified in issuing to him the money given to that Province, tho' from his character and the general sense of the Merchants we do'nt conceive any doubt of his being their general Agent.

All which is most humbly submitted to your Lordships great Judgment.

D. Ryder
W. Murray.
(Copy) 23 Novem^r 1748.

Letter to Richard Waldron from Richard Partridge, London 23 Mar. 1748–9.

[Extract—copied from MS. Corr. Vol. II. p. 37.]

London 1st mo: or March the 23^d, 1748–9.

My Friend Richard Waldron,

"Thy favor of the 15th Novr last pr Capt Sherburn, I have received.

"As to the Expence the several Colonys of New England were at in taking and securing Cape Breton, you have been already acquainted with the Act of Parliament of last sessions for granting the several sums according to their Demands, but for want of the respective agents being duly empowered to receive them & for some other Cause also the Lords of the Treasury have postponed the payment hitherto, but now the Massachusetts have sent over their Act of General Assembly empowering three Gentlemen to receive the money for that Province, & that they had concluded to call in & pay of their paper Bills of Credit with it in proportion at 10 for one, it is expected they will not detain the money much longer, application having already been made for it to the Treasury who have taken till after the time called Easter holy-days to consider of it is over, That is about 10 days, & the others also when their Powers come over probably will fare in like manner: And as to the money due for the Expence in the late Canada Expedition there were last year some payments made, but a stop has been put to it now for about 8 mo^s: Since for want chiefly of Governour Shirlys sending over the several Colonys Acc^ts which he was to collect and transmit to the Secretary of State, most of which I suppose are still behind, so that it is uncertain when that money will come, but I make no doubt of its being paid some time or other & probably not very long first after the accounts are adjusted here.

"There is a Bill lately brought into the House of Commons for regulating & restraining paper Bills of Credit &c. in the Plantations, a printed copy whereof I send thee indorsed, which is framed in such a manner that if it should pass into a Law as it stands, it would, as we here apprehend, be very prejudicial to the Plantation Governm^ts in general, especially that part relating to the Instructions to be sent from hence to the several Gov^rs, & therefore some of the agents have thought it their duty to petition the House praying to be heard by Counsel against the Bill, which was granted & the day appointed for it is the 11th of next mo' when doubtless we shall get some alterations at least made in it.

"I was yesterday in the House of Commons when Lord Dupp'in of the Board of Trade moved (in consequence of the King's last speech to his Parliament relating to Provisions being made for the reduced officers and disbanded men who had behaved well in the Land & Sea service) for the undertaking (which the King and Ministry seem to be very fond of) for peopling and Settling Nova Scotia by sending several Transports to Chebucta with 2 or 3 men of war under Adm^l Hawk agreeable to an advertizem^t in a Newspaper herewith sent thee; they propose to send now

3,000 persons of which about 900 are already entered; the said Lord mentioned it in a particular manner setting forth the strength & security it would be to our Northern Colonys & other advantages respecting Masts to be readily got there for the Royal Navy, Lumber for supplying our sugar Colonies, The Fur trade with the Indians, the cutting off the Commerce of the French Inhabitants of Annapolis Royal with Louisbourg, & above all, The Benefit of so good a Cod Fishery &c. and concluded with a proposition of a supply for it of £40,000 at present, intimating also that something further will be annually wanted, which was seconded by some in the ministry & it seemed to be fallen in with in general: whereupon a supply was accordingly Voted, Nemini Contra: Sr John Hind Cotton, a member of the House signified indeed That he was glad they had at length thought our Northern Colonys worth being supported & defended & that according to the old Proverb better late than never & wished the Lord who moved this matter had been at the Congress at Aix la Chappell with his Notions & prevented the delivering up Cape Breton; not that he should oppose what they were now upon, but he was ready to think the proverb was now suitable that when the steed was stolen they might shut the stable door, & did hardly expect such great things from the undertaking as they talk't off;—or to this effect, & others alleged Inconveniency would attend from the French Roman Catholics settled at Annapolis Royal, that some care should be taken to send our Protestant Schoolmasters for Educating their children & that the French there were increased from 2500 (which is what they were at the Peace of Utrecht) to 25000 as they are now—but I think not more than one person in the House opposed the undertaking.

Col^o Cornwallis, Bro^r to Lord Cornwallis is to go over Governour in the Expedition, wch is to be a Civil Governm^t—& it is sayd that some of the English Forces at Louisbourg are to joyn in the settlem^t at Nova Scotia—for further news I refer to ye prints herewith sent & conclude with kind respects.

Thy Assured Friend,
Richd Partridge.

2^d mo. 4th. They say now that Adm^l Hawke wth 5 men of war is bound to Tobago probably to drive ye French from thence, & that Capt. Rouse only in a man of War is to convey ye Transports to Nova Scotia & to sail ye latter end of this month.

Voted That Matthew Livermore be and hereby is desired to procure a complete Body of the Laws of Connecticut at the cost of ye Province.

[p. 244.] Voted That Mr. Sherburn Mr March and Matthew Livermore be a Committee of this House to wait upon his Excellency to confer with him upon that part of his Excellency's Speech relating to the Repairs of his House and Report thereon to this House as soon as may be.

Mr. Secretary came into the House and said the vote for choosing a Recorder was passed, That the Act for establishing the Courts was passed, The vote relating to ye money in England was concurred by the Council, The vote about the Excise was under consideration, The vote for choosing a Committee to examine the Treasurers Acc^ts was finished and a Committee added, The vote for looking out a House for the Genl Assembly &c. to sit in was

finished and a Committee added, And that the Governor had directed him to adjourn the Gen[l] Assembly to Monday next three of the clock in the afternoon, and accordingly adjourn'd the same, and s[d] that it would be adjonrnd from Monday next to Tuesday come sen' night after.

Monday Octo[r] 9th 1752.

A few of the members, viz. Livermore. Russell and Sherburn met and the Secretary came into the House and adjonrned the Gen[l] Assembly to Tuesday the 17th day of Octo[r] 1752, ten of the clock in the forenoon.

[p. 245.] Tuesday Octo[r] 17th 1752.

Two of the members, viz. Mr. Russell and Livermore met and the Secretary came into the House and said it was his Excellency's order to him to adjourn the Gen[l] Assembly to three of the clock in the afternoon, and accordingly adjourned the same.

Post Meridiem.

Met according to adjournment.

The committee appointed to wait upon his Excellency to confer with him relating to the Repairs of his house made Report to the House that they had waited upon his Excellency and confered with him thereon, and that he signified that he desired to have a comfortable house provided for him, but did not condescend to particulars.

By order of the Speaker the House adjourned till to-morrow morning nine o'clock.

Wednesday Octo[r] 18th 1752.

Voted That Mr. Sherburn Coll Gilman and Capt. Bell be a Committee of this House to Joyn with such as shall be appointed by the Hon[bl] Council to make inquiry into what method may be most suitable to proceed in for making Provisions for a convenient House for his Excellency and make Report thereon to the Gen[l] assembly as soon as may be. Sent up by Mr. Thomas and Mr. Wiggen. (a)

(a) Journ. of C. & Ass[m]. Which vote was read & concurrd and assented to by the Governour.

[p. 246.] Voted, That Mr. Speaker Mr. Sherburne Mr. Lovewell and Mr. Wentworth be a Committee of this House to consider of what method or plan is best to proceed upon in order to a new proportion and make Report thereon to the House as soon as may be.

Adjourned till three of the clock afternoon

Post Meridiem.

Met according to adjournment.

By order of the Speaker the House adjournd till tomorrow morning nine o'clock.

Thursday Octo^{r} 19th 1752.

Met according to adjournm^{t}

Voted That the Committee for providing Stores &c. for the intended Canada Expedition be and hereby are authorized and Impowered to sell at public vendue as soon as may be all the stores provided for the s^{d} Expedition now remaining in their hands and custody, and that the money that shall arise therefrom be put into the Treasury in order to the paying the soldiers that have been employed in the defence of the Province, so far as it will go when the Muster Rolls are made up and allow'd by the General Assembly and that the surplusage (if any) be towards the Defreying the contingent charges of the Government as shall be hereafter order'd by the Genl Assembly. Sent up by Mr. Wentworth & Mr. Sanders.

Mr. Secretary came into the House and delivered the Speaker a paper which he said was a state of ye acct. of y^{e} . . . . . loan money exclusive of what those of ye committee who were borrowers had stopped for their pay, and also said that ye vote for consid- [p. 247] ering the affair about providing a convenient house for his Excellency was finished and that himself and Mr. Wibird were added to the Com^{tee} and that they are ready to proceed upon the business.

Voted That Mr. Macmurphy and Mr. March be a Committee of this House to get from the Treasurer an account of what places that have at any time paid Provincial Taxes, have not had warrants sent to them for collecting province Taxes and how long such warrants have been omitted, also what places have not paid which have had warrants sent to them.

By order of the Speaker the House was adjourned till three of the clock afternoon.

Post Meridiem.

Met according to adjournment. Adjourned by order of the Speaker till to morrow morning nine o'clock.

Fryday Octo^{r} ye 20th 1752.

Met according to adjournm^{t}.

Voted That Mr. Macmurphy Capt. Gilman and Mr. Lovewell be a Committee of this House to proportion what sum such places shall pay to the Province Tax as the Treasurer can't now send warrants to, also ye arrearages of such places.

Col. Gilman and Mr. Hale waited on his Excellency to enquire of him if the vote relating to the money in Mr. Thomlinson's hands was assented to by him, who came back and said they had delivered the message. (a)

(a) Journ. of C. & Assem. Oct. 20, 1752. His Excellency assented to the vote for Putting the money in agent Thomlinson's hands, into some of the funds &c. as concurrd by the Council on the 7th Inst.

[p. 248.] The Secretary came into the House and bro't in the vote relating to ye money in Mr. Thomlinson's hands and said ye Council had concurrd with it but that the Governor proposed an amendm^{t} which the Secretary mention'd.

The House adjourn'd till three of the clock afternoon.

Post Meridiem.

Met according to adjournment.

Upon reconsidering the vote relating to the money in Mr. Thomlinson's hands, Voted that the following words, viz. If it be not repugnant to the Grant made to his Majesty by Parliament, whereby his Excellency our Governor may be in danger of incurring the King's Displeasure.—be added in the close of the Preamble of the afores^{d} vote. Sent up by Mr. Bell and Mr. Knight, who reported they had delivered the vote.

Voted That Esqr Philbrick and Esqr Page wait on the Council and Enquire whether the vote relating to the Excise and also that relating to the selling the Stores remaining in the hands of the Committee for providing stores &c. for the intended Expedition against Canada be concurrd by the Council,—who reported they had delivered the message.

The House adjournd till tomorrow morning nine o'clock.

[p. 249.] Saturday Octo^{r} 21st 1752.

Met according to adjournment.

The Secretary came into the House and brought in the vote relating to the Excise and said the Council tho't that the Excise on Liquors was (for the future) put at too low a rate, and that there were some places pd particularly mentioned in the vote—which the Council tho't ought to be particularly mentiond and left the said vote with the House for their reconsideration. He also bro't

into the House the vote for selling the Stores &c provided for the intended Canada Expedition remaining in the hands of the Com^tee appointed for the providing s^d stores &c. and said the Governor having signified he could not assent to it as it was, viz. That the money arising upon such sale should be put into the Treasury for ye use and purpose mentioned in s^d vote, the Council had not pass'd upon it and then left it with the House for their Reconsideration.

He also bro't into the House sundry Acts namely the District Act, the last Reviving District Act, the Small Pox Act, an Act about Highways, the Gaging act, The Explanatory act about Town meetings, also an Act pass^d July 2^d 1743. He also said the vote about the money in Mr. Thomlinson's hands was assented to by the Governor.

[p. 250] The Secretary came into the House and said that the Council had nonconcurrd the vote of the House of the 19th Instant relating to the selling the remaining Canada stores, the said vote having been sent back to the Council after it was left with the House for their Reconsideration.

Voted That the Committee for providing Stores &c. for the intended Expedition against Canada be and hereby are authoris'd and Impower'd to sell at public vendue as soon as may be, all the stores provided for the said Expedition now remaining in their hands and custody and that the money that shall arise therefrom (after the charges of storage and sale and all other Incident charges are satisfyed and paid) shall be put into the Treasury there to remain till further order of the General Assembly. Sent up by Capt. Gilman.

Voted That the Treasurer send out his Warrants for Collecting the Province Tax for the current year agreeable to the Prices affixed and set to the following Articles, viz.

[p. 251.] Merchantable Hemp pr hundred	£2 : 15 : 0
Flax pr pound	0 : 1 : 0
Winter and first fare Isle of Sable Cod-fish pr Quintal	0 : 15 : 0
Barr Iron pr hundred	2 : 0 : 0
Rye pr bushel	0 : 5 : 0
Wheat pr do.	0 : 6 : 0
Barley pr do.	0 : 4 : 0
Peas pr do.	0 : 8 : 0
Indian corn per do	0 : 4 : 0
Pork pr pound	0 : 0 : 4
Beef pr do	0 : 0 : 3
Joyst pr Thousand	2 : 0 : 0
Merchantable white Pine Boards pr Thousand	2 : 5 : 0
White Oak two Inch plank pr Do	8 : 0 : 0
Same proportion for thicker	– : – : –
Bees wax pr pound	0 : 1 : 6
Pitch pr barrell	1 : 5 : 0
Tar pr Do	1 : 0 : 0
Turpentine pr Do	1 : 10 : 0
Bay-berry wax pr Pound	0 : 1 : 3
Tann'd sole Leather pr Do	0 : 1 : 6

[The Govr assents to the above.]

The Secretary came into the House and said the Council had concurr'd with the vote for selling the Canada stores also with the [p. 252.] vote for regulating the Treasurer in sending out his Warrants for collecting the Province Tax for the current year, And said it was his Excellencys order that the General Assembly be adjourned to Tuesday the thirty first day of October, Inst. Ten of the clock in the forenoon, and accordingly adjourned the same.

Tuesday October 31st 1752.

A few of the members met according to adjournment and the Secretary came into the House and said it was his Excellency's orders to him to adjourn the General Assembly till three of the clock in the afternoon and accordingly adjournd the same.

Post Meridiem.

A number of the members met but not sufficient to make a House, and the Secretary came into the House and said it was his Excellencys orders to him to adjourn the General Assembly till to morrow morning ten o'clock, and accordingly adjourned the same.

Wednesday, Nov. 1st 1752.

Met according to adjournment.

Voted That Thomas Millett, Richard Jenness and Eleazer Russell Esqs. be a committee of this House to joyn with such as shall be appointed by the Honourable the Council to tell over what Bills [p. 253.] of public credit now are in the hands of the Treasurer to be burnt according to acts of General Assembly, and when the same is told, to bring the same into the General Assembly in order to be burnt to ashes in the face of the General Assembly.

Sent up by Esqr Page.

Mr. Treasurer Jaffrey bro't into the House sundry acc^ts relating to the Treasury, some of which related to the late dec'd Treasurer, and the others to himself as Treasurer.

The House adjournd by the order of the Speaker till three o'clock afternoon.

Post Meridiem.

Met according to adjournment.

Capt. Andrew Todd brought into the House a muster roll and swore to the truth thereof.

Capt. Moses Foster brought into the House a muster roll and swore to the truth thereof.

Mr. William Walker brought into the House a muster Roll and swore to the truth of it.

Voted That the Committee appointed for the Examining the Treasurer's accounts proceed upon the examination of the accounts this day bro't into the House by Mr. Treasurer Jaffrey.

The House adjournd by the Speaker till tomorrow morning nine o'clock.

Thursday Nov. 2d 1752.

Met according to adjournment.

[p. 254.] The House upon reconsidering their vote of the fifth of October last past relating to the Excise upon Liquors which vote was sent back to the House by the Honourable the Council the twenty-first day of the same October for Reconsideration of said vote, adhere to the said Vote, Excepting that Northampton Parish in said Province, be assigned unto Mr. Joseph Thomas and that it be in that District in which Hampton is, and that John Macmurphy Esq. be the Collector of the Excise due from all and any of those Persons who are in and by this vote appointed Collectors of Excise, and that the said John Macmurphy Esq. be under the same regulations and invested with the same Powers and authoritys as the other Collectors are and that the sd John McMurphy Esq. be allow'd six per cent for collecting the same.

Sent up by Capt. Bell and Esquire Page.

The Secretary brought into the House a memorial signed by Wm. Symes which was read and ordered to lay for consideration.(a)

Journ. of C. & Assm. Nov. 1, 1752. The memorial of Capt. Wm. Symes in relation to a settlement of some of the King's lands at a place called Co-os on Connecticut river setting forth his having the promise of Three Hundred and forty men already engaged for that service, & praying that 50 of the said men may be in the pay & subsistance of this Province, read, recommended and sent Down to the House.

Thomas Rawlins of Stratham in the Province of New Hampshire came into the House and declared upon oath That he had lately his dwelling House consumed by fire, That in it he had burnt to the best of his judgment eight Pounds eight Shillings old Tenr Bills of public Credit of this Province, and pray'd that he might be allow'd that sum by the Government. Therefore

Voted That he be paid the sum of Eight Pounds eight Shillings [p. 255.] old Tenr Bills of public Credit on this Province out of the Bills now to be burnt to ashes, and that the said sum be accounted part of what shall now be burnt and that the Speaker of this House be impowr'd and desired to take said Bills and pay the same to said Rawlins taking his receipt therefor.

Sent up by Doctor March and Mr. Wiggens

Adjourn'd till three o'clock afternoon.

Post Meridiem.

Met according to adjournment.

Voted That Thomas Millet, Richard Jenness and Eleazer Russell Esqrs be a Committee of this House to Joyn with such as shall be appointed by the Honourable the Council to receive from the Trustees for letting out the twenty five thousand Pounds Loan, what of the principal sum of said Loan is paid unto the said Trustees and to tell over the same and to bring the same into the General Assembly in order to be burnt to ashes in the face of the General Assembly agreeable to the Act for emitting the said sum of twenty five thousand Pounds Loan.

Sent up by Capt. Wentworth and Capt. Philbrick.

The House adjourned by the Speaker till to-morrow morning nine o'clock.

[p. 256] Fryday Novr 3rd 1752.

Met according to adjournment.

The Speaker being absent upon the business of the Government Richard Jenness Esq. was chosen Speaker pro tempore. And the Clerk being absent on the business of the Government John Macmurphy Esq. was chosen Clerk pro tempore.

By order of the Speaker protempore the House was adjourn'd till three of the clock afternoon.

Post Meridiem.

Met according to adjournment.

John Macmurphy Esq. made oath that he would execute the office of Clerk of the House being chosen clerk pro tempore, so long as he shall remain in that office according to his best skill and judgment, agreeable to Law, before Matthew Livermore, Jus. Peace.

The House adjourned till tomorrow at nine of the clock, by order of the Speaker.

Saturday, Nov^{br} ye 4th 1752.

Met according to adjournment.

Mr. Secretary came into the House and said That it was his Excelency's orders that the General Assembly sho'd be adjourn'd to Monday next at three of the clock, post Meridiem.

Monday Novr 6th 1752.

A few of the members met, but no Speaker. The Secretary came into the House and said it was his Excelency's orders to him [p. 257.] to adjourn the General Assembly till tomorrow ten of the clock in the forenoon.

Tuesday Novr ye Seventh 1752.

A number of the members met but not a House. The Secretary came into the House and said it was his Excellencys orders to adjourn the Genl Assembly till three of the clock in the afternoon, and accordingly adjourned the same.

Post Meridiem.

The House met according to adjournment.

Mr. Speaker Wear being absent Richd Jenness Esq. Speaker pro tempore took the chair.

Whereas the Act more effectually to prevent profane cursing and swearing is expired, the same being temporary, which act while in force was found beneficial—therefore Voted that the said act be revived for the space of five years and that Richard Jenness Esq. and John Macmurphy Esq. be a Committee of this House to joyn with such as shall be appointed by the Honble the Council to draw up an Act accordingly. Sent up by Capt. Gilman & Mr. Lovewell.

The House is adjournd by order of the Speaker, for the space of [p. 258.] a quarter of an hour.

Met according to adjournment.

The Act to prevent deceit in the Gage of Cask pass'd by the House but the Council being broke up was not sent up to the Board.

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

Wednesday Novr 8th 1752.

Met according to adjournment. Richird Wibird Esq. bro't into the House sundry papers relating to Mr. Clem^{t} Minor of Stonington in the Colony of Connecticut setting forth that the s^{d} Minor had a dwelling house burnt and considerable paper Bills of this Province, and other things therein in the month of April 1747.

Post Meridiem.

Met according to adjournment.

Whereas there is a necessity of having a farther Regulation of

the Ferrys within this Province and of having the Fees and fares of the Respective ferrys within this Province settled & stated—therefore Voted that Clement March Esqr. Capt. Israel Gilman and Mr. Jonathan Lovewell be a Committee of this House to joyn with such as shall be appointed by the Honorable the Council to draw up an act accordingly.

[p. 259.] The House was adjournd by order of the Speaker till tomorrow morning nine of the clock.

Thursday Novr 9th 1752.

Met according to adjournment.

The Secretary bro't into the House the vote relating to the Excise upon Liquors and said the Council had pass'd it with an amendment and that the Council hoped the House would concur with the amendment.

The House concurr with the amendment of the Council on the afores^{d} Vote. Sent up by Mr. Lovell.

The House adjournd by order of the Speaker till three of the clock afternoon.

Post Meridiem.

Met according to adjournment.

The vote pass'd yesterday about the Regulation of the ferrys sent up this day by Mr. Lovell.

The House adjournd by order of the Speaker till tomorrow morning nine of the clock.

Fryday Novr. 10th 1752.

Met according to adjournment.

Richard Wibird Esq. came into the House and desired he might withdraw the papers he had some time before bro't into the House relating to Mr. Clement Minor,—which were deliverd him.

[p. 260] Richard Wibird Esq. bro't again into the House the papers relating to Mr. Clement Minor and a memorial of him the s^{d} Clement Minor desiring he might be allowd the sum of one hundred and sixty five pounds old Ten^{r} out of the Treasury of the Province of New Hampshire for so much Province bills of Credit on the Province of New Hampshire which, as the memorial suggests was burnt when his dwelling house was burnt.

He also bro't into the House the Report of the Committee appointed to make enquiry into what method may be most suitable to proceed in for the making provision for a convenient house for his Excellency.

The House adjournd for two hours by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Report of the Committee appointed to make enquiry into what method may be most suitable to proceed in for the making Provision for a convenient house for his Excellency being read and considered,

Voted that the said Report be accepted with Regard to the Repairs that are necessary to be immediately made on the House his Excellency now hath so as to make it conveniently tenantable, also [p. 261] that it will be for the Honour as well as Interest of ye Province either to build or purchase a Province House for the Residence of the Governor hereafter, provided a way and method can be found out for the effecting thereof not prejudicial to the Government.

Sent up by Doctor March.

Mr. Obadiah Parry brought into the House a muster Roll which he swore to in the House. Upon consideration of the memorial of Mr. Clement Minor and the evidence produced in support and maintenance of the facts therein suggested,

Voted That he be paid the sum of forty one Pounds five shillings new Tenor Bills of public Credit on this Province now in the Treasury to be burnt to ashes (so much of the Bills of Credit on this Province being burnt in his house) & that the said sum be accounted & reckoned as so much and part of what shall now be burnt,—and that Richard Wibird Esq. who brought the said memorial into the House, be and hereby is authorised and Impowered to receive the same of the Committee for Receiving the money to be burnt, the said Richard giving a Receipt therefor, and that when the s^d Richard Wibird Esq. shall pay the same unto the said [p. 262] Minor, his agent Attorney Heirs Executors or Administrators take a Receipt for the same and lodge it in the Secretarys office.

Sent up Saturday by Capt. Gilman.

Voted That Capt. Jenness and Dr. March be a Committee of this House to joyn such as shall be appointed by the Honorable the Council to get the Repairs necessary to be made this Fall on the house that the Governor now hath, that they get them done immediately, consulting the owners of the House, and that the same be allowed out of the Rent for said house, and that the said committee may be enabled to effect the same, further Voted that so much as is necessary therefor of the Bills of public Credit on this Province shall be taken out of the Interest of the Twenty five thousand Pounds Loan now in the Treasury to be paid by the Treasurer unto the said Committee and that what sum shall be drawn out of the Treasury for the purpose afores^d be replaced in the Treasury by the next supply Bill and that the said Committee render their account thereof to the Genl Assembly.

[p. 263.] Sent up by Capt. Gilman.

Ordered That the hearing of Mr. Symmes his memorial be on the third day of the sitting of the General Assembly after next week, and that all the members attend on the adjournment and that the absent members be notifyed thereof and required to at tend without fail.

The Secretary came into the House and said he was ordered by his Excellency to adjourn the Gen[l] Assembly to Monday the twentyeth Day of November Instant three of the clock in the afternoon and accordingly adjourned the same.

Memorandum. After the adjournment made out a Notification for Peter Gilman Esq. Mr. Zebulon Gidding and Jedediah Philbrick, Esq. each of them to appear at the adjournment and sent them by Mr. Lovewell, also one for Major Davis and sent it by Thomas Millet Esq. also one for Mr. Joseph Thomas and sent it by Capt. Gilman, also one for Thomas Bell, Esq. and gave it to Mr. Jacob Sheaf for conveyance. Attest

Matthew Livermore, Clerk.

November Monday the 20th 1752.

[p. 264] A few of the members met but not sufficient to make a House. The Secretary came into the House and said it was his Excellency's orders to him to adjourn the General Assembly till tomorrow morning ten of the clock and accordingly adjournd the same.

Tuesday Nov[r] 21st 1752.

A number of the members met, but not the Speaker so as to go upon business.

The Secretary came into the House and said he was directed by his Excellency to adjourn the Gen[l] Assembly till three of y[e] clock in the afternoon and accordingly adjourned the same.

Post Meridiem

Met according to adjournment

Capt. Jonathan Chesle brought into the House a muster Roll and made oath to the truth of the same.

Voted That Coll. Gilman and Mr. Russell be a Committee of this House to joyn with such as shall be appointed by the Hon[ble] the Council to Examine the muster Rolls that are or may be laid before the Gen[l] Assembly for men that have been employed in the Defence of the Province pursuant to votes of the Gen[l]. assembly [p. 265] and make Report thereon unto the General Assembly as soon as may be.

Sent up Wednesday by Maj^{r} Davis.

The House adjournd by order of the Speaker till tomorrow morning nine o'clock.

Wednesday Novr 22^{d} 1752.

Met according to adjournment.

The vote of yesterday for a Committee to Examine Muster Rolls sent up this day by Maj^{r} Davis.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment.

Upon reading the memorial of Capt. William Symmes and it being suggested that there had been sundry Petitions heretofore put into the Governor and Council for Grants of land at a place calld Co-os or Cohass namely one by a number of persons of Newmarket, one by a Number of persons of Hampton Falls, one by a number of persons of Kensington, one by a number of persons of Southampton, one by a number of persons of Northampton, & one by a number of persons of Hampton, & the House being desirous to get all the light that possibly they can in order to do what is Right and Just relating to the said memorial,

Voted That Capt. Israel Gilman and John Page Esq. wait upon [p. 266.] his Excellency and desire that he will be pleased to favor the House with a view of the Petitions afores^{d} or any other Petitions that have been preferr'd to the Governor and Council by any of the Inhabitants of this Province for any lands at the place called Coos or Cohass.

Voted That the further hearing of Capt. William Symmes his memorial be on the morrow.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Thursday Novr 23^{d} 1752.

Met according to adjournment.

Voted That Mr. Speaker and Matthew Livermore be a Committee of this House to draw up an act for the admeasurement of Boards &c. and lay the same before this House as soon as may be.

The Committee appointed to wait upon his Excellency relating to the memorial of Capt. Symmes brought into the House his Excellencys answer thereto, as on file, which was read.

[Copied from MS. Gov^rs Messages, Vol. II. p. 93.]

Mr. Speaker &
Gent^n of the Assembly.

In answer to your Message of the 22^d Instant respecting any Petitions from the Inhabitants of this Province for the Lands or Townships at Cohoss or Cohass, I know of none but what I look upon as obsolete & by no means interfering with the intended grant to be made to the five hundred men to be raised by Capt. Symes for settling said Tract of land.

But if any of the Inhabitants of this Province are desirous of Joyning in the Grant, I shall reserve room for one or more Townships in which his Majesty's subjects of New Hampshire shall have an equal chance with any of his Majesty's subjects in the neighboring Governments & such Inhabitants shall be *regimented* in the same way & manner as the others that proceed to settle said lands, & be under their own officers when the men appear to my satisfaction, it is a thing I cannot answer to the King my master to grant any townships at such a distance as Coos or Cohass, to any of his Majesty's subjects without a sufficient cover, & therefore my engagements to Capt. Symes are only conditional, that in case he can raise five hundred men to be regimented before they depart from hence, & be subject to military discipline, or at the lest, four hundred men, that then he shall be certain of a Township for every one hundred men, of six miles square & on no other terms.

Given at Portsmouth,
23^d Nov. 1752. B. WENTWORTH.

The House adjournd till three o'clock afternoon by order of the Speaker.

Post Meridiem.

[p. 267.] Met according to adjournment.

Upon reading the memorial of Capt William Symmes and the answer in writing from his Excellency to the Message of this House yesterday, The Question was put whether the following Question should be answered prior to any other Question relative to the said memorial, Namely, Whether the Inhabitants of this Province ought not to have the preference of settling the lands mentioned in the memorial aforesaid, before the Inhabitants of his Majesty's other Governments—which passed in the affirmative.

Matthew Livermore dissents against the above Questions being put as worded. Afterwards it was moved that the above Vote should be reconsidered, which passd in the affirmative.

Then it was moved to have the Question put whether the said memorial should be dismissed or not and it pass'd in the Negative.

For dismissing	*Against dismissing*
Eleazer Russell, Esq.	Matthew Livermore
Mr. Henry Sherburn, jun.	Richard Jenness Esq.
Thos. Millett, Esq.	Jedediah Philbrick Esq.
Maj^r Thos. Davis	Mr. John Knight, jun
Capt. John Wentworth	Corn^t Thos. Wiggen
Deacon Joseph Philbrick	John Macmurphy Esq.
Peter Gilman Esq.	Clem^t March, Esq.
Mr. Zebulon Gidding	John Page Esq.
	Mr. Thos. Hale
	Mr. Henry Sanders
	Mr. John Lovewell.

[p. 268.] Then the affair was debated and after the Debate the Question was put whether there should be a vote drawn as was proposed, and it passd in the affirmative.

The House adjournd till tomorrow morning nine of the clock.

NOTE BY THE EDITOR.

[The Memorial of Capt. Symmes has not been found, but the following letter of Theodore Atkinson, Esq. to John Thomlinson, Esq. throws much light on the affair].

[Copied from "Book I. 1631-1756," in Secys office, p. 264.]

Portsmo Nov. 19th 1752.

Sr. For many reasons I have long since Left writing you any Particulars of Governmt affairs supposing you was always kept minutely advised by the Governour, however as we are now again got upon action I would tell you that *we have a new Assembly that at Present seem inclinable to do the Public business with a good Inclination & Temper* (1) which I hope will continue. They have rec'd the new members, *chose an unexceptionable Speaker* & have past several Votes which are agreeable to the Govr & Council, as appointing a recorder, Excise officers, a vote for Putting the Ballance of the Canada & Louisbourg Accts in your hands into some of the Publick Funds & are now upon the Treasurer's accts settling all accts of the Province that we may know whereabouts we are—as soon as this Hurry is over which at Present we are necessarily involved in I suppose we shall turn Immediately to make a more complete Defence of our affairs with you about fort Dummer &c. You have never advised me of the rect of the Papers sent you for Mr. Parris' Direction in the case of French vs Morse, those I sent pr Mr. Solley were Lost at least never came to hand tho' I have heard they were saved & in some man's custody there: as soon as I heard of this miscarriage I forwarded by the way of Biddiford by Capt. Sams another set of the Papers & Law book &c. which I got Mr. Mark Wentworth to comit to the Master's care to be deliverd to his owner Mr. Benson to be carefully forwardd you. I know the vessell went safe & therefore am surprised you have not advised me of the rect of them. I suppose the Governr now writes you at large on the Province affairs which leaves me only room to hope *you will mis no opportunity in putting the Canada & Louisbourg money under some improvement, 'tis the only Remedy to keep us in any credit.* As to the affair of Fort Dummer I look upon it that all that the most sanguine here Expect is to have the Land near sd Fort assigned to them which our Govr & Council have already chartered out & chiefly to those who claim'd it under the Massa Grants & the Towns in consequence of our Grants are settling very fast about thirty mile above or north of fort Dummer & the People quite easy & satisfied, some few of the Massa claimers only excepted whose obstinacy would not submit to take his Majtys Grant from this Governmt.

We are now upon a Project (which I believe will take effect) of *settling a Tract of the finest Land on the Continent, call'd by ye Indians Co-os*, which Lyes upon Connecticut river about 90 miles northerly from the Province line. We have already inlisted about four hundred Proper men, they are to cut a road to that Place build 2 Garrisons with sufficient accommodations for the 400 or 500 men, in this parte of the country they will raise Provisions the first year for double their number & all their land under tillage be in sight of and defended by the Garrisons; 'tis a great under-

(1) Underscored in the original letter.—Ed.

taking and a good one, for I really believe, *if we do not settle it the French will* for 'tis the main passage made use of by the Indians from Canada to this country, and if we can fix there, which 500 such men as are going (barring the particular frowns of Providence) mauger all the efforts of the Indians—I say if this is once effected there will be ever a large stock of Provision enough for an army of men to march to Canada which from thence may easily be done in three or four days to the very river of Canada, the men already Enlisted are well versed in the Indian warrs & are under little concern for their opposition. I mentioned above the French settling this Tract of Land & why should it be Questioned—'tis much nearer to them than Crown Point, I suppose near half the Distance, less Expense would do it & when don 'tis the cream of the country, the Intervale land on both sides the river for 30 or fifty miles successively in many places a mile wide, where at the first you have little to do but Plow, it being generally clear like a salt marsh & but about 40 or 50 miles Distance from many of our new settlements, that should the French once get footing there we should be so far from enlarging our own Borders that it would soon be a means of Driving in many of our new settlements. The last of these were motives no Doubt that induced the French to settle Crown Point, a place maintained at a great Expence & the Land about it not capable of any tolerable Improvement and at a greater Distance from both French & English & of consequence Less detrimental to the one & more Expensive to the other. *The Projection for our settling is—These 400 or 500 men is to have a suitable portion of Land*, on ye King's quit-rent, Land cut into Townships for them—2 of which, one on each side the river opposite to each other Immediately taken into' Possession & a regular Garrison built in each of them, encompassing perhaps 15 or more acres of Land, this to be enclosed, with Log-houses at some distance from each other, and the spaces filled up with either Palisades or Square timbers, in the middle of the square something of the nature of a Cytidall where the Public Buildings & Granarys &c. will be built & to be large enough to contain all the Inhabitants, if at any time drove from the outer Enclosure which is to be large enough to contain their cattle &c. These fortifications are to be built so as to assist each other on every occasion. They are to have courts erected & to have Power of Determining all causes civil *causes* amongst themselves & to be under a stricter military Discipline than commonly our Militia are. These men are now solliciting these Grants of the Govr & Council & have *a memorial before the Genl Assembly also for some assistance in* this undertaking; we are really so much in debt that I fear they will not obtain any great matters but something I believe will be done to assist them either in cutting roads to the Place or granting a suitable number waiges for some time & as they Propose two roads, one near Connecticut river from the Towns now Settling above or north of the Province Line & the other directly down to our settlements on Merrimack river. *Now in case we meet with any trouble about* fort Dummer it will Discourage this Project intirely, for if after 10 years deliberation the Massachusetts Grantees that claimed the Land about fort Dummer & 30 miles above have at last Petitioned this Governm^t for the King's grant & have obtained agreeable to his Majestys Instruction, if, I say they should meet with any Discouragement & the King's grant not held to be good to ye People involved in ye case, (1) no person would go to Coos: If on the other hand any sum of money should in any way be taken from us for support of fort Dummer which never was of any service to ye Prov. we should not have it in the power of the Governm^t to assist these new settlements. These affairs are matters of such consequence to this country in general that when I begun I could not help Inlarging upon it for your Information. & Now give me leave to mention something once more

(1) These words in the copy are interlined and the writing scarcely legible.—ED.

in relation to the Canada accounts, only this Pray let me know weither those articles charged by the Treasurer here to me & mentioned in his acc^ts sent home I think 4 articles for waiges, cloathing, great coats for those men that went to Annapolis Royal & £100 for Blankets were allowed at home. I possibly may meet with Difficulty with the Assembly here if it is not ascertained. Pray also let me know the Balance of each officer now in your hands that they may draw on you for the Ballance if any of them are in credit with you. I have shown them your acc^t. but as they have not kept any acc^t what they have ordered and still are in the Dark, all the want is the Exact sum they may draw for. I know there is but few if any, & therefore can't take up much time only to send a List of y^r names & the several ballances annexed. Particularly let me know Lieut. Coll. Wentworths & Insign Hugh Hall Wentworths if the Executor to Capt. Rymes Estate does not receive the whole I fear I shall be bro't in for the residue being his bonds^n which I long since mentioned to you. I now write to you & comp^a on our Private affairs to which give me leave to referr you, & am with the greatest esteem,

Your most obleidged Humble serv^t

TH——— A.

Indorsed—
"Copy to Thomlinson about
Publick affairs, Coos &c. 1752.
pr Capt. Granger."

Letter to Capt. Phineas Stephens about Cho-os.

[Copied from MS. Corr. Vol. II. p. 67.]

Portsm^o, March 4th 1752.

SR. This will be forwarded to you by Capt. Symes of Winchester to whom his Excellency the Govern^r has given a warr^t of which the Endorsed is a copy. This Gentleman, Capt. Symes, opportunely happened here while the Govn^r was concerting measures to make the attempt of settling Cho-os & had(1) Engaged Col. Blanchard in Quest of a suitable number of suitable men for this undertakeing & it being agreeable to Capt. Symes' views in coming into these parts he the more readily Engaged in undertaking to make a Tryal of s^d affair. Now S^r, what occasions you this Trouble is to acquaint you that I know it will be very agreeable to his Excellency (if you approve the Scheem) if you will joyn Capt. Symes in advice & Endeavours to forward this undertaking, he is master of the Governor's Scheme & Intentions & very desirous of your being concerned. Therefore will let you into the whole affair, to him I beg leave to referr you & am

Your very Hum^ble Servt

P. S. If it suits your Inclination to Engage in this affair & it will be of any service to the cause or Pleasure to you & you'l let me know by a line I'le send such a warr^t as ye Enclosed to you.

[NOTE. This letter, though without a signature, is evidently in the hand-writing of Secretary Atkinson.—ED.]

Fryday Novr 24th 1752.

Met according to adjournment.

The House adjourned till three of the clock in the afternoon by order of the Speaker.

(1) This word "had" is doubtful—it may be *who*, or it may read *was Engaged by*.—ED.

Post Meridiem.

The House taking under further consideration the memorial of Capt. William Symes & a motion being made that the following Question be put namely Whether the said memorial shall lay until his Majesty's pleasure can be known thereon and he can be addressd to obtain his leave in some method to defray the charge of defending those settlements therein referred to—which Question was accordingly put and it pass'd in the affirmative. Jedediah Philbrick Esq, dissents against the above vote. Matthew Livermore dissents against the above vote.

The House adjourned till tomorrow morning nine o'clock.

Saturday Novr 25th 1752.

Met according to adjournm^{t}.

[p. 269.] The memorial of Capt. Wm Symmes with the vote thereon sent up to the Council by Mr. Lovewell.

The act relating to the Small Pox passd this day and sent up by Capt. Wentworth and Mr. Knight.

Mr. March dissents to the vote passd last night Relating to ye memorial of Capt. Symmes. Capt Jenness dissents to the afores^{d} vote.

The Secretary brought into the House the memorial of Capt. Symmes with the vote of this House thereon and having mentioned several objections the Council made unto the vote thereon left the said memorial and vote for the further consideration of the House.

The Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till Monday next at twelve of the clock at Noon and accordingly adjourned the same.

[p. 270.] Monday Novr 27th 1752.

A number of the House met but not the Speaker. The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assemby till three of the clock in the afternoon and accordingly adjourned the same.

Post Meridiem.

A number of the members met but not the Speaker. The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till tomorrow morning and accordingly adjourned the same.

Tuesday Novr 28th 1752. Met according to adjournment.

The Act relative to the repairing of highways passd to be enacted by the House, and sent up by Mr March & Mr Sanders.

The Secretary came into the House and brought in three Petitions namely one from Mr. Joshua Pickerin, one from Mrs Mary Avis Executrix &c. and one from Mr. James Hodges(a) and left them in the House,—he also said he was directed by the Council to enquire whether the House had acted anything upon the memorial of Capt. Symmes which was recommended by the Council last Saturday.

(a) Jour. of C. & Ass. Nov. 28, 1752. A petition issued by Matthew Livermore Esq. as attorney to and in behalf of James Hodges of Boston marriner setting forth that he recovered judgment and had execution agst one Benj^{a} Littleton and one Grotster for sundry sums in the said petition mentioned and that in virtue thereof the said Littleton & Grotster were comitted to Goal and after made their escape, and that he had Bro't his actions as the Law Direct Agst the Sheriff but fail'd in s^{d} action the Jury declaring the Escape was made thro' the Insufficiency of the Goal and Prayed relieff of the Genl Assembly therein—read & sent Down by Mr. Atkinson—

Adjourned by order of the Speaker till three of the clock afternoon.

Post Meridiem.

Met according to adjournment.

[p. 271.] The House taking under consideration the vote sent to the Council upon the memorial of Capt. Symmes which vote was passed last Friday and on Saturday last was brought down to the House for their further consideration—voted that the said vote be Reconsidered.

The House adjourned till tomorrow morning nine of the clock by order of the Speaker.

Wednesday Novr 29th 1752.

Met according to adjournm^{t}

Mr. Secretary brought into the House a petition of Coll. Sherburn and others & left s^{d} Petition with the House, also said he was directed by the Council to enquire whether the House had done anything relating to the memorial of Capt. Symmes. In answer to which Mr. Knight was ordered to Inform the Council that the House had now that affair under consideration, and Mr. Knight accordingly waited upon the Council and delivered the message.

The House adjourned for two hours by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Upon Reconsidering the memorial of Capt William Symmes and it appearing that it will be of advantage & Benefit Not only to this [p. 272.] Government but also to many other of his Majesty's Governments in North America if the lands mentioned in the said Memorial were settled by his Majesty's subjects and possession thereof kept and maintained by them, and whereas in the Act Entitled an Act for emitting the sum of twenty-five thousand Pounds in Bills of Credit on this Province equal to so much Proclamation money, upon Loan and for granting unto his Majesty the Interest in the said act mentioned, There is (of the said Interest) the sum of one Thousand Pounds for cutting Roads, Employing proper persons to search out and take plans of such parts of the Province as shall be ordered by the General Assembly, which sum hath not been improved and applyed as yet for the ends and purposes aforesaid—Therefore Voted That so much of the said sum of one Thousand Pounds part of said Interest as shall be necessary therefor be improved and employed to and for the cutting of Roads & Building of Bridges to and from said Coos, Namely from Number Four so called on Connecticut River to s^d^ place called Coos, and from said Coos to Canterbury in s^d^ Province, if it shall appear to be best and most beneficial to cut said Road from said Coos to [p. 273.] Canterbury afores^d^, otherwise in the best place that can be found to come to the nearest convenient landing in the way from s^d^ Coos to Portsmouth in s^d^ Province as shall be agreed upon by the Committee that shall be agreed upon and appointed by the three Branches of the General Assembly for that purpose, and that the Person or Persons with whom the said Committee shall agree to cut the said Roads and build the said Bridges shall not be entitled to receive or have any pay or satisfaction for any thing they shall do in cutting said Roads or building said Bridges in any place beyond Canterbury aforesaid unless there shall be grants obtained by the said William Symmes for himself and associates or by any others for four Townships (of six miles square or equal thereto each) for four hundred men at said place call'd Coos and that there be four hundred effective men (at least) at said Coos by the last day of May next in a suitable posture for sitting down there in order for making a settlement in said place and cultivating & improving the said lands. And that Richard Jenness Esq and Mr. Jonathan Lovewell be a Committee of this House to joyn such as shall be appointed by the Honble the Council to effect the Busi- [p. 274] ness aforesaid in the best manner they can; and further Voted, That the said committee be and hereby are impowered to draw out of the Treasury so much of the said one thousand Pounds Interest of said Loan as shall be necessary to pay and satisfy for the ways that shall be cut and the Bridges that shall be built in consequence of and agreeable to this vote, and that the said Committee make Report to the General Assembly from time to time of what they shall do relating to the premises and render

an account of what moneys they shall draw out of the Treasury for the business afores^{d} to the General Assembly from time to time.

The House adjourn'd till to-morrow morning nine o'clock by order of the Speaker.

Thursday Novr ye 30th 1752.

Met according to adjournm^{t}

Voted That Mr. Speaker, Mr. Henry Sherburn jun^{r} & Matthew Livermore be a Committee of this House to joyn such as shall be appointed by the Honorable Council to consult what is further necessary to be done relating to the money granted by the Parliament of Great Britain for Reimbursing to this Province part of the Expense which this Province was at in taking and supporting Cape [p. 275.] Britton and make Report of their doings thereon unto the Gen^{ll} Assembly as soon as may be.

Sent up by Mr. Sanders.

The Memorial of Symmes and vote of this House past yesterday relating thereto sent up this day by Mr. Sanders. (a)

(a) Journ. C. & Assem. Nov. 30, 1752. Mr. Sanders from the House bro't up the memorial of Capt. Wm. Symes as Entered the first Instant with vote of the House thereon of the 24th Instant, which was sent back by the Council on the said Day recommending a reconsideration, &c with the vote on said memorial for granting so much of the Interest of the £25000 Loan as may be sufficient for cutting a road from No. 4 to Co-os, & from thence to Canterbury, and for choosing a committee to arrange that affair.

The Petition of Henry Sherburn Esq. read and voted that the Petitioner have liberty to bring in a general [*Bill*] all relating to Proprietors. Sent up by Capt. Wentworth.

The Secretary brought into the House a copy of the letter sent Mr. Thomlinson by the Committee appointed for that purpose and left the s^{d} Copy with the House. The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Deacon Joseph Philbrick one of the Representatives for the Town of Hampton suggests that the s^{d} Town have the Privilige of sending two members to set in General Assembly, That at the last election of members to sit in Genl Assembly they made choice of two persons, namely Richard Waldron Esq. and the s^{d} Joseph Philbrick to represent them in Genl Assembly, one of whom, viz. the s^{d} Richard Waldron Esq. hath not attended in Genl Assembly, therefore he moves that the s^{d} Richard Waldron Esq. be sent to by the House to know whether he will attend in Genl Assembly [p. 276.] as one of the Representatives of Hampton or not.

Voted That the above motion lay for further consideration.

Mr. Zebulon Giddinge desires his dissent may be entered against the vote this day sent up to the Council relating to the mo'rial of Capt. Symmes. Major Davis desires the same. Capt. John Wentworth desires the same.

The House adjourn'd till to-morrow morning nine o'clock by order of the Speaker.

Fryday Decr ye 1st 1752.

Met according to adjournment

Voted That Mr Speaker, Richard Jenness Esq. and Mr. Henry Sherburn Junr be a Committee of this House to joyn with such as shall be appointed by the Honorable the Council to look out for a suitable place in the Town of Portsmouth to build a State House upon and draw & prepare a suitable plan thereof and make Report of their doings thereon to the General Assembly as soon as may be.

Sent up by Capt. Gilman.

Coll. Smith brought into the House from the Council the Act for the better repairing of High ways, with the Council's vote thereon of concurrence, with the following alteration viz. *Dele*, in the 11th 12th and 13th lines from the top of the second Page these words, viz. During the time of their sitting in the General Assembly—which vote of Council was read in the House and voted a concurrence and the said words in the said Act were blotted out. The House adjournd till three of the clock in the afternoon by order of the Speaker.

[p. 277.] Post Meridiem.

Met according to adjournment.

The Act for the better repairing of High ways and the vote of concurrence of this House for an amendment sent up this afternoon by John Page, Esq.

Voted That Eleazer Russell, Esq. & Capt. Israel Gilman be a Committee of this House to joyn such as shall be appointed by the Honourable the Council to examine and Enquire into the State and circumstances of the Prison and what part of the Interest of the twenty five thousand Pounds Loan appropriated to and for the Repairing of the Prison hath been used and applied to that use, also to consider what is necessary and proper now to be done as to the further Reparation of the Prison, and make Report thereon to the Genl Assembly as soon as may be.

Sent up by Mr. Sanders.

Wm. Parker Esq. bro't into the House a memorial concerning a work house &c. which was read.

Upon the Reading the Petition of Joshua Pickerin, (a) Voted

that the Petitioner be heard on his Petition on the third day of the sitting of the General Assembly next after the first day of January next (if he see cause) and that he at his own cost serve the adverse [p. 278.] party with a copy of the Petition and of the votes thereon, that he may shew cause if any he have why the Prayer of the Petition should not be granted.

(a) Journ. C. & Ass^m. Nov. 1, 1752. The Petition of Joshua Pickering for releiff in an affair of an Execution granted against him from his Maj^tys Superior Court which was founded upon a judgment of s^d court in favour of Matthias Towle and to rectify a mistake in the said judgment read.

The House adjourned till tomorrow morning nine o'clock by order of the Speaker.

Saturday Decr 2^d 1752.

Met according to adjournment.

Mr. Pickerin's petition with the vote of the House pass'd thereon yesterday sent up this day by Mr. Knight.

Capt. James Campbell brought a Muster Roll into the House which was read and by him sworn to in the House.

Order'd that Thos. Millet, Esq. Deacon Joseph Philbrick, Peter Gilman, Esq. Mr. Zebulon Gidding, Thos. Bell, Esq. Mr. Thos. Wiggen and Mr. Joseph Thomas, now absent, be notifyed to appear and attend on Monday next in the Genl Assembly, and further

Order'd That all the members attend on Monday next in Genl Assembly.

Memorandum—made out a Notification to each of the s^d members and Mr. Speaker took y^m for Mr. Philbrick. Esq. Philbrick for Coll. Gilman Mr. Gidding and Mr. Wiggen, Maj^r Davis for Capt. Millet and Mr. Thomas.

The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till Monday next ten o'clock in the forenoon, and accordingly adjourned the same.

Monday Decr 4th 1752.

A few of the members met but not sufficient to make a House. [p. 279.] The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till three of the clock in the afternoon and accordingly adjourned the same.

Post Meridiem.

The House met according to adjournment.

The House adjourned till tomorrow morning nine of the clock by order of the Speaker.

Tuesday Decr 5th 1752.

The motion of Deacon Joseph Philbrick as enterd ye 30th of Novr last being considered the question was put whether Richd Waldron Esqr should be sent unto by this House to know whether he will attend in Genl Assembly as one of the Representatives of Hampton or Not,—and it passed in the Negative. The following question was put, viz. Whether Richard Waldron Esq. should be calld over in the calling over of the House and it passd in the Negative.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The House adjourned till to morrow morning nine of the clock by order of the Speaker.

Wednesday Decr 6th 1752.

Met according to adjournment.

[p. 280.] The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till Tuesday the ninth day of January next at ten of the clock in the forenoon and accordingly adjourned the same.

Tuesday January 9th 1753.

A few of the members met but not sufficient to make a House. The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till three of the clock in the afternoon and accordingly adjourned the same.

Post Meridiem.

A number of the members met but not a sufficient Number to make a House. The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till tomorrow morning ten of the clock and accordingly adjourned the same.

Wednesday January 10th 1753.

A number of the members met, but not sufficient to make a house. The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till three of the clock in tne afternoon and accordingly adjourned the same.

Post Meridiem.

The House met according to adjournment.

The House adjourned by order of the Speaker till tomorrow morning nine o'clock.

[P. 281.] Thursday January 11th 1753.

Met according to adjournment.

The House adjourned by order of the Speaker till three of the clock in the afternoon.

Post Meridiem.

Met according to adjournment.

The Honble Meshech Weare Esqr Speaker of the House being absent on Business of Importance The House made choice of Richard Jenness Esqr as Speaker pro tempore.

Mr. Secretary Atkinson brought down the Petition of John Pickerin against Matthias Towle, and then by order of the Speaker the House adjourned till tomorrow morning nine o'clock.

Fryday January ye 12th 1753

The House met according to adjournment.

A message being sent up to the Council in the forenoon to enquire what was done relating to sundry votes of this House and accts. heretofore sent up to the Council—The Secretary delivered to one of the House, after the House was adjourned for the fore-[P. 282.] noon, a memorandum containing how these affaires now stand—as on file.

A petition of Mr. Humphry Scammon was bro't into the House and read.

The House adjourned till to morrow morning nine o'clock by order of the Speaker.

Saturday Jany 13th 1753.

Met according to adjournment.

The petition of Mr. John Pickerin this day brought into the House by the Secretary was read, and voted That the Petitioner be heard on said petition the third day of the sitting of the General Assembly next after the twenty second day of January current, and that the petitioner at his own cost serve the adverse party Matthias Towle with a copy of the Petition and of the votes thereon that he may shew cause if any he hath why the Prayer of the Petition should not be granted.

Sent up by Capt. Bell.

Whereas there hath been no settled allowance for the Treasurer of this Province since the year 1749, Therefore Voted that the Treasurer of said Province for the time being be allowed for his service as Treasurer sixty Pounds in Bills of Credit of the New Tenor, pr. Annum for six years commencing with the year 1750, [p. 283.] which is to be in full for his service as Treasurer.

Sent up by Capt. Bell.

The Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till Monday next at twelve of the clock at noon and accordingly adjourned the same.

Monday January 15th 1753.

A number of the members being come in, but not the Speaker, the Secretary came into the house about one of the clock P. M. and adjourned the General Assembly till three of the clock in the afternoon.

Post Meridiem.

Met [and adjourned from day to day, without any business, till]

[p. 284.] Fryday Jany 19th 1753.

Met according to adjournment.

Mr. Humphry Scammon being called into the House and his Petition as on file being Read, he made oath that at the time his house was burnt he had to the best of his knowledge the sum of three hundred pounds old Tenor in Bills of Credit on the Province of New Hampr burnt in one Bundle, and that to the best of his knowledge another bundle of more than fifteen hundred Pounds old Tenor in Bills of Credit were then burnt but how much of this Province he cannot say.

Adjourned till three of the clock in the afternoon.

Post Meridiem.

The House met according to adjournment.

The House adjourned till to-morrow morning 9 o'clock by order of the Speaker.

[p. 285.] Saturday Jany 20th 1753.

Met according to adjournment.

The House taking under consideration the Petition of Mr. Humphry Scammon and the evidence produced in support and maintenance of the facts therein suggested,

Voted, That he be paid the sum of one hundred and fifty Pounds new Tenor Bills of public Credit on this Province now in the Treasury to be burnt to ashes (so much of the Bills of Credit on this Province being burnt in the house of the said Scammon,) and that the said sum be accounted and Reckoned as so much and part of what shall now be burnt and that the Committee for Receiving the money now to be burnt pay the same unto him the said Scammon or to his order and take a Receipt for the same and Lodge it in the Secretarys office. [Concurrd by the council.]

The Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till Monday next at twelve o'clock at Noon and accordingly adjourned the same.

Monday January 22d 1753.

A few of the members met but not sufficient to make a house, nor the Sperker, the Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till three of the clock in the afternoon and accordingly adjourned the same.

[p. 286.] Post Meridiem (a)

(a) His Excellency laid before the Board a mandamus from the Lords Justices requiring him to admit & swear Daniel Warner (1) Esq. as one of his Majestys Council for this Province which oaths were administered in Council and the said Warner took his place accordingly.

His Excellency also laid before the Council Sundry Paragraphs out of the 14th, 24, 32d & 46 Instructions and ordered the same to be Entered in the Council Book.

Met [and adjourned, from day to day, without business, till]

Wednesday, January 24th 1753.

The petition of Mr. Humphrey Scammon and vote thereon in the House the 20th Inst. sent up this day by Mr. Knight.

The House adjourned till three o'clock in ye afternoon, by order of the Speaker.

Post Meridiem

Met according to adjournment

Voted, That the following message be sent to his Excellency the Governor.

May it please your Excellency,

Whereas a vote has pass'd in this House relating to the Excise upon [p. 287.] Liquors within this Province, with which the Secretary has in-

(1) Hon. Daniel Warner was of Portsmouth. He died in 1778.—Ed.

formed this House the Council has concurred and which now lyes for your Excellency's assent, and as it is of great Importance to this Government that the Excise now due upon Liquors be speedily collected, the House prays your Excellency to give your assent unto the said vote.

Sent up by Mr. Macmurphy.

A muster Roll of Capt. Jonathan Snow bro't into the House by Mr. Jona. Lovewell.

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

Thursday Jany 25th 1753.

Met according to adjournment [and adjourned from day to day, without business, till]

[p. 288.] Tuesday, January 30th 1753.

A sufficient number of the members met to make a house, but the Speaker being absent the House proceeded to the choice of a Speaker pro tempore, and made choice of Richard Jenness Esq. for Speaker, pro tempore (in order to proceed upon business) who took the Chair.

Mr. Knight was sent up to enquire whether the Governor had assented to the vote relating to the Excise, who returned and re- [p. 289.] ported that the Secretary said the Governor had not assented to it but now had it under consideration.

Mr. Joshua Pickerin bringing into the House his petition and the orders thereon and signifying that the Respond^{t} in said petition was not duly notified of the time appointed for the Hearing thereof and praying that a further day may be appointed for that end.

Therefore Voted that the Petitioner be heard on the said petition on the third day of the General Assembly next after the twentyeth day of February next and that the Petitioner at his own cost serve the adverse party with a copy of the said Petition and of the votes thereon by delivering the same at the usual place of his abode at least ten days before the day of hearing, that he may shew cause, if any he have why the prayer of the petition should not be granted.

Sent up by J. Philbrick, Esq.

The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The House adjourn'd till tomorrow morning nine o'clock by order of the Speaker.

[p. 290.] Wednesday January 31st 1753.

Met according to adjournment.

Whereas it appears necessary that there should be a new Proportion made in each Town Parish and District within this Province in order to an equal Payment of the Province Taxes—Therefore Voted that the Select men (or the major part of them) of each Town Parish or District within this Province at the charge of such Town Parish or District Respectively, shall take an exact invoice of all Rateable male Polls & Rateable Estates within their respective Towns Parishes and Districts in the month of March next in the manner following, namely, of all Rateable male Polls from sixteen years old and upwards, of all Indian Negro and Molatto Slaves and servants (male and female) above sixteen years of age, of the number of Dwelling Houses, of all Improved lands, namely arable, orchard, meadow and pasture land (Pasture land so much as will keep one cow to be reckoned four acres,) of the number of acres of each sort & kind, of all Horses and mares above four years old, of all colts of three years old, two years old and one year old, the number of each, of all oxen four years old and upwards, of all cows four years old and upwards, of all young cattle namely three years old, two [p. 291.] years old and yearlings, and of all mills, and of the yearly Rent thereof in the Judgemt of the sd Select men, yearly Repairs being deducted, and that the Selectmen of each Town Parish and District aforesd make Report of their doings under oath (such oath to be administered by any Justice of the Peace within this Province) to the Clerk of the House of Representatives for sd Province, by the tenth day of April next, and that the Secretary send a copy of this vote (when completed) unto the select men of each Town Parish and District within this Province at the charge of the Province.

Sent up by Mr Wiggin.

The House adjourned till three o'clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Sampson Sheaf Esq. brought from the Council the Petition of James Stoodly, jun,(a) & Nath[l] Doe.

(a) Jour. of C. & Ass. Jan. 31, 1753. The petition of James Stoodley, jun. for himself and Partners praying a further consideration from a Loss sustained in the affair of the Sloop Speedwell hired by this Government to go to France with French Prisoners &c. read & ordered to be sent Down to the House.

Whereas there are sundry Persons inhabiting within the Province of New Hampshire upon a tract of land within said Province call'd and known by the name of Souhegan west, the major part of which lyes within no Township, Contoocook so call'd that lyes within no Township, part of Pennycook so call'd and part of

Suncook so call'd that lye within no Township within this Province, so as they or their Estates can by Law be taxed towards the supporting and defraying the charges of this Province, and who are in such circumstances as that they ought to help maintain and [p. 292.] support the Provincial charges—therefore Voted that part of Souhegan west not within any township be one District, Contoocook, That part of Pennycook and that part of Suncook not lying within any Township be one District, and that an act be drawn up to oblige them to pay their Proportion of the Province Tax and to enable them to raise the same, and that John Macmurphy Esq. and Mr. Jonathan Lovewell be a Committee of this House to joyn such as shall be appointed by the Honorable the Council to draw up an act accordingly.

The House adjourned till tomorrow morning nine o'clock by order of the Speaker.

Thursday Feby 1st 1753.

Met according to adjournment.

The petition of James Stoodly jun. & Nathl Doe being read ordered that it lay for consideration.

The vote pass'd yesterday relating to making a District Act sent up this day by Mr. Thomas.

Mr. Secretary brought into the House the vote of this House sent up yesterday relating to a new Proportion, and said the Council made two objections to it, namely, one that the Return ought not to be made by the selectmen unto the Clerk of this House, but into the Secretary's office, or that there should be a du- [p. 293.] plicate thereof, also that the vote did not mention what places were to be sent unto which he said ought to be made certain in the vote, and left the vote with the House for their Reconsideration.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Secretary in the forenoon brought into the House the vote relating to the Excise and said his Excellency could not see his way clear, so as to assent thereunto in the whole but that the Committee might proceed to draw up an act for the gathering and collecting the Excise now due.

The House upon reconsidering their vote sent up yesterday relating to a new Proportion and this day brought back again by the Secretary into the House for their Reconsideration, Adhere to the said vote, Excepting that the Selectmen make their Report into the Secretarys office and not unto the Clerk of the House of Representatives, Excepting also that the Secretary send to the places

hereafter mentioned, namely, To Portsmouth, Greenland, Hampton, Hampton Falls, North Hampton, Kensington, Southampton, Dover, Summersworth, Durham, Newington, Exeter, Newmarket, Epping, Brintwood, Kingston, Kingston East Parish, Londonderry, Wendham, Stretham, New Castle, Rye, Dunstable, Chester, [p. 294.] Rochester, Nottingham West, Litchfield, Nottingham, Barrington, Gosport, Salem, Pelham, Newtown, Plaistow, Hampstead, Hollis, Merrimack, Monson, Bedford, Bow, Canterbury & Derryfield. [Concurrd by Council.]

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Fryday February 2d 1753.

Met according to adjournment

The vote pass'd yesterday for Reconsidering the vote for a New Proportion sent up this day by Deacon Joseph Philbrick.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment

The House adjourned for the space of half an hour by order of the Speaker.

The House met according to adjournment.

The Secretary brought into the House the Petition of Alexander Park and others which was read and Voted, That the Petitioners be heard on their Petition on the third day of the sitting of the General Assembly next after the tenth day of February Instant and that the Petitioners at their own cost serve James Dunlap, Hugh Brown and Joseph Clyde, Selectmen of the Parish of Wendham for the year 1751 with a copy of the said Petition and of the order thereon to appear and shew cause, if any they have, why [p. 295.] the prayer of the Petition should not be granted.

The House adjourned till tomorrow morning nine of the clock by order of the Speaker.

Saturday Feb. 3d, 1753.

Met according to adjournment.

The Petition of Alexander Park and others pass'd yesterday sent up this day by John Macmurphy Esq.

The Act for Reviving the Act more effectually to prevent profane cursing and swearing being read a third time Voted That it pass to be enacted,—and sent up by Mr. Thomas.

The Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till Monday next ten of the clock in the forenoon, and accordingly adjourned the same.

Monday February ye 5th 1753.

A few of the members met but not sufficient to make a House & there being no Speaker come the Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till three of the clock in the afternoon and accordingly adjourned the same.

Post Meridiem.

A few of the members met but not sufficient to make a house and there being no Speaker come the Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till tomorrow morning ten o'clock and accordingly adjourned the same.

[p. 296.] Tuesday February 6th 1753.

Met according to adjournment.

The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Whereas Richard Waldron Esq. hath been returned by the Selectmen of Hampton as one of the members elected to Represent the said Town in the present General Assembly, and whereas the said Richard Waldron Esq. hath signified to this House in writing under his hand, that he renounces his Right to a seat in the present General Assembly—Therefore Voted that a Writ issue from the Speaker of this House to the Sheriff of the Province of New Hampshire requiring him immediately to send his Precept to the Select men of Hampton afores^d requiring them to cause the freeholders of s^d Town qualifyed by Law to assemble at such time and place as they shall appoint to represent them in ye General Assembly the fourteenth day of February Inst. at ten of the clock in the forenoon (in the room of s^d Richard Waldron Esq.) if the General Assembly be then sitting, and if not then sitting, on the second day of its sitting afterwards and so Die in Diem during its sessions.

The House then adjournd till tomorrow morning nine o'clock by order of the Speaker.

Wednesday Feb. 7th 1753.

The House met according to adjournment

This day a writ issued from the Speaker to the Sheriff of this Province for the choice of a Representative for the Town of Hampton in the Room of Richard Waldron Esq. who hath re-
[p. 297.] nounced his Right to a seat in the House.

The House adjournd till 3 o'clock in the afternoon by order of the Speaker.

Post Meridiem.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Thursday February 8th 1753.

Met according to adjournment.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment

The Speaker being absent on the business of the Government the House made choice of Richard Jenness Esq. for their Speaker pro tempore who accordingly took the chair.

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

Fryday, Febry 9th 1753.

Met according to adjournment.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment.

Voted That if any member of the Council or the House of Representatives purchase of the Canada stores to the value of seventy-five Pounds new Tenor or under, he shall not be oblig'd to pay the money down but it shall be sufficient to give his note for what he [p. 298.] purchases to the vendue master for the use of the Government payable on demand. Sent up by Capt. Gilman.

The House adjournd till to-morrow morning nine o'clock by order of the Speaker.

Saturday February ye 10th 1753.

Met according to adjournment.

The act for appointing, collectors to collect the Excise on several liquors having been read in the House three times, Voted that it pass to be enacted, and sent up by Esquire Philbrick and Esquire March.

The Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till Monday next ten of the clock in the forenoon and accordingly adjourn'd the same.

Monday February ye 12th 1753

A few of the members met but not a House nor the Speaker. The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till three of the clock in the afternoon and accordingly adjournd the same.

Post Meridiem.

Met [and adjournd from time to time till]

[p. 299.] Wednesday February ye 14th 1753.

The Sheriff brought into the House the Precept for the choice of a Representative for Hampton with his Return thereon, that they had made choice of Mr. Jonathan Tuck.

Ordered That a message go to his Excellency and acquaint him that there is a member returnd for Hampton in the Room of Richard Waldron Esq. who hath Resigned his seat in this House, and desire his Excellency that he may be qualifyed. Matthew Livermore and Mr. Henry Sherburn were sent to deliver the above message, who returned and said they had deliverd the same to the Council, his Excellency not being at the Council Board.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Secretary came into the House and in answer to the message sent to his Excellency in the forenoon relating to the member returnd for Hampton said it was a thing that was new and that he desired to see the Precept that went out from the House with the [p. 300.] Return thereon and in a day or two he would give his answer.

The Secretary also brought into the House an answer to the Petition of Alexander Park and others and said that the original Petition was left with the Governor at Little Harbour, that a copy of the s^d Petition might be had and that the House might proceed upon the copy, otherwise that it might be put off till tomorrow that the original may be had.

Upon the motion of Mr. Saml Morrison that the hearing of the Petition of Alexander Park and others be put off untill tomorrow, ordered that it be put off untill tomorrow.

In answer to his Excellencys message by Mr. Secretary this afternoon desiring to see the Precept that went out to Hampton for the choice of a member in the Room of Richard Waldron, Esq. and the Return thereon, Orderd That the Precept and Return thereon be sent to his Excellency with a message praying that his Excellency would be pleased to order the member returned to be qualifyed and informing him that the House cannot at present see their way clear to proceed upon any Business till the said member be qualifyed.

Sent up by Mr. Sherburne and Esquire Philbrick.

The House adjournd till tomorrow morning nine o'clock by order of ye Speaker.

[p. 301.] Thursday Feby 15th 1753.

Met according to adjournment.

The Petition of Alexander Park &c. bro't into the House by the Secretary. The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

The House met according to adjournm^t.

The Secretary brought into the House a written message from his Excellency and left it—he also brought in the Precept issued by the House for the choice of a member for Hampton sent yesterday to his Excellency by Mr. Sherburn and Esqr Philbrick and left it.

His Excellencys Message,

[Copied from MS. Gov^rs messages Vol. II. p. 97.]

Mr. Speaker &
Gentlemen of the Assembly

Yesterday in Council the Secretary laid before me the substance of your message desiring that I would give orders for the qualifying a new member, & in the afternoon of the same day Mr. Sherburn and Mr. Philbrick delivered me from the House the authority by which the said member was elected. As the manner of introducing this new member was new to me, I thought it worthy of consideration, & in the short time I have taken to consider of it, I find the method of introducing this new member is directly contrary to what his Majesty in his great wisdom has directed to and appointed for calling members to sit in General Assembly, which ought to be invariably regarded—That it is my opinion the member you refer to do's not legally appear in the House, and I also find that former Assemblys have upon the death or incapacity of a returned or siting member addressed the King's Governor, regularly to issue the Kings writ to supply the vacancy occasioned by such death or incapacity, which ought to have been done in the present case.

Notwithstanding I have these objections to contend with, this session having already been spun out to an unusual & unreasonable length, I have thought it for his Majesty's service & the good of his subjects to direct the Secretary to qualify the returned member for Hampton, but that this condescention is not to be pleaded as a precedent in similar cases in this, nor in succeeding Assemblys, having submitted the other points to his Majesty to prevent delays in our public concerns at this critical Conjuncture.

Council Chamber in B. Wentworth.
Portsmouth, Feb. 15th 1753.

His Excellency informing the House in his written message that he had directed the Secretary to qualify the Returnd member for Hampton, Coll. Gilman and Mr. Gidding were sent to In-

form that the said member was in the House, soon after which the Secretary came into the House and qualifyed him.

Sam[l] Morrison who appears in behalf of Alexander Park and others, moving that he might be heard by Council, And the Respondents moving that they were not prepared with Council The hearing of the Petition is put off till tomorrow three of the clock in the afternoon.

The House adjourned till tomorrow morning nine of the clock by order of the Speaker.

Fryday Feb[y] 16th 1753.

Met according to adjournment.

[p. 302.] The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment.

Mr. Samuel Morrison who appeared to prosecute the Petition of Alexander Park &c. and the Respondents came into the House and moved that the hearing upon the Petition might be put off to some further day. Therefore ordered that the Hearing upon the said Petition be put off till Thursday next if the General Assembly shall be then sitting, and if not then sitting then on the third day of their sitting afterward.

The House adjourned till tomorrow morning nine of the clock in the forenoon by order of the Speaker.

Saturday Feb[y] 17th 1753.

Met according to adjournment

Voted That the Committee of this House for Examining into the Treasurer's acc[ts]. be a Committee of this House to joyn such as shall be appointed by the Hon[ble] the Council to receive and examine the accounts of Theodore Atkinson Esq. relating to the Canada Expedition, and make Report thereon to the Gen[l] Assembly as soon as may be.

Sent up by Esquire Philbrick.

[p. 303.] The Secretary came into the House and said he was directed by his Excellency to adjourn the Gen[l]. Assembly till Monday next ten of the clock in the forenoon and accordingly adjourned the same.

Monday February 19th 1753.

A few of the members met but not sufficient to make a house, nor the Speaker. The Secretary adjourned the Genl Assembly till three of the clock in the afternoon.

Post Meridiem,

Met and adjourned [from time to time, till]

[p. 304.] Thursday p. m. February 22d 1753.

Upon hearing the Petition of Alexander Park and others and the Respondents and considering the evidence produced by the partys, Voted That the choice of both the sets of officers made at the annual meeting referred to in the said Petition was illegall and that the said choice be and hereby is declared to be null and void and that there be a meeting held in the said Parish of Windham on the first Tuesday of March next for the choice of Parish officers for the sd Parish of Windham for the year 1752, and that Peter Gilman Esq. be and hereby is appointed & authorized to call the said meeting and to be the moderator of the sd meeting and that the sd Peter Gilman Esq. put up or cause to be put up a Notification of the time and place of meeting at the meeting House in said Windham and also at the dwelling house of John Christy Innholder in sd Windham at least four days before the time of holding said meeting. Sent up by Capt. Gilman. [Vote concurrd by Council.]

The House adjourned till tomorrow morning nine o'clock by order of the Speaker.

Fryday Feby 23d 1753.

Met according to adjournment.

[p. 305.] The Secretary brought into the House the Act for the Better Repairing of High Ways and said the Governor upon Reading over the Acts relating to High Ways observed that in this Act there is no notice taken of them either by way of addition or amendment which the Governor thinks ought to be done.

Upon Reading the Petition of James Hodges & considering the evidence produced in support thereof, Voted That there be paid out of the money that shall be put into the Treasury by the next Supply Bill unto the said James Hodges his Executors Administrators or attorney the sum of nineteen Pounds four shillings three pence new Tenor in full of the two Judgments referred unto in said Petition and the necessary charges the said James Hodges hath been at for the obtaining the moneys Recovered by him against the said Littleton and Grotster. [Concurrd by Council.]

The House adjourned till three of the clock afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Upon Reading the Petition of Joshua Pickering and considering the evidence produced by the Petitioner, Voted that the Prayer of the Petition be granted and that the Petitioner have liberty to bring in a Bill accordingly. [Concurrd by Council.]

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

[p. 306.] Saturday February 24th 1753.

Met according to adjournment.

The act relating to Highways which was brought into the House yesterday by the Secretary being altered in the Title was this day sent up again by Deacon Philbrick.

Also the Petition of Joshua Pickerin with the vote of this House thereon. Also the Petition of James Hodges with the vote of this House thereon, sent up by Deacon Philbrick.

The Secretary came into the House & said he was directed by his Excellency to adjourn the Genl Assembly till Monday next ten of the clock in the forenoon and accordingly adjournd the same.

Monday February 26th 1753.

A few of the members met but not sufficient to make a House—[and adjourned] till

Tuesday, February 27th, P. M. 1753.

[p. 307.] There being a sufficient number to make a house, and the Speaker being absent the House made choice of Richard Jenness Esqr for Speaker pro Tempore, who accordingly took the chair.

The Act for Regulating the sizes and admeasurement of Lumber, &c. having been read three times Voted that it pass to be enacted, and sent up by Mr. Lovewell, [Concurred by Council and assented to by the Governour.]

The House adjournd till tomorrow morning nine o'clock by order of the Speaker pro tempore.

Wednesday February 28th 1753.

Met according to adjournment.

The Proprietary Act having been read three times, Voted that it pass to be Enacted and sent up by Mr. Knight.

The House adjournd till three of the clock in the afternoon by order of the Speaker pro tempore.

Post Meridiem.

Met according to adjournment.

The House adjournd [from time to time] till

[P. 308.] Fryday March Second, 1753, P. M.

The Committee of this House brought into the House the accompt of the Honble George Jaffrey Esq. dec'd (1) late Treasurer and Receiver General of his Majesty's Revenues within his Majesty's Province of New Hampshire of the late intended Expedition against Canada, and acc^ts of Province Taxes and contingencies rendered by George Jaffrey Esq. Adm^r.

Voted That the account of Theodore Atkinson Esq. be allowed, (a copy of which is on file) and That Theod. Atkinson Esq. pay the Ballance thereof being thirteen hundred and forty six Pounds seventeen shillings and four pence one farthing new Tenor unto the Treasurer.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Saturday March the third 1753.

Met according to adjournment.

Upon Reading the Petition of Mrs. Mary Avis Executrix of the last will and Testament of John Avis late of Boston in the County of Suffolk in the Province of the Massachusetts Bay mariner dec'd, [P. 309.] and considering the Evidence produced, Voted that there be paid out of the money that shall be put into the Treasury by the next Supply Bill unto the said Mary Avis, her Executors, administrators or attorney the sum of fifty nine Pounds fourteen shillings and six Pence new Tenor in full of the three Judgments refer'd unto in the said Petition and the necessary charges the said Mary hath been at for the obtaining the moneys Recoverd against the said Grotster and Littleton.

Sent up by Mr. Sanders. [Concurred by Council.]

The Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till Monday next ten of the clock in the forenoon and accordingly adjourned the some.

Monday March 5th 1753.

A few of the members met but not sufficient to make a house, nor the Speaker, [and adjourned] till

Tuesday March 6th 1753, P. M.

Mr. Sec^y Bro't down from the Council the Petition of Sr William Pepperell, Barronet, which is on file.

(1) Hon. Geo. Jaffrey died May 8, 1749, aged 66. See notice of him p. 126, Vol. V.—Ed.

[p. 310.] The House adjournd till tomorrow morning nine of the Clock, by order of the Speaker.

March ye 7th 1753, Wednesday.

Met according to adjournment—The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment

Upon Reading the Petition of Sir William Pepperell,(a)

(a) Jour. C. & Ass. March 6, 1753. The petition of Sr William Pepperell Bar. praying to be Enabled to Redeem Parte of the Estate of Simon Gilman Deceased from the mortgages &c. And to have the benefit thereof towards Discharging a Debt Due from the said Simon to the Petitioner which was read and sent down.

Voted that there be a hearing thereon upon the second day of the sitting of the Genl Assembly next after the twentieth day of March Instant And that the Petitioner at his own cost send Mark Hunking and Nathl Meserve Esqs. Executors of the last Will and Testament of Jotham Odiorne late of Portsmouth in the Province of New Hampshire Esq. dec'd,(1) with a copy of s^d Petition and of the orders thereon, and also Mr. William Moor and Mrs. Elizabeth Gilman Administrators to the Estate of Simon Gilman with a copy of the s^d Petition and the orders thereon to appear and shew cause if any they have why the Prayer of the Petition should not be granted.

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

Thursday March ye 8th 1753.

Met according to adjournment

The Petition of Sir William Pepperell sent up this day with the vote thereon by Mr. Knight.

Adjournd till three of the clock in the afternoon by order of the Speaker.

[p. 311.] Post Meridiem.

Met and adjournd [from time to time,] till

Monday March ye 12th 1753.

A verbal message sent this day to the Council by Mr. Livermore

(1) Jotham Odiorne, Esq. died Aug. 16. 1748, aged 73.—Ed.

to know what was done relating to the vote of the House of the 12th of December 1746, and also relating to the vote of the House of the 27th of May 1748 for grant made to his Excellency of two hundred and fifty Pounds by each of said votes. The Secretary came into the House and said the Council had concurred with each of said votes but that his Excellency had assented to neither of them.

Voted That Richard Jenness Esq. And Mr. John Knight be a Committee of this House to joyn such as shall be appointed by the Honorable Council to receive from the Trustees for letting out the [p. 312.] twenty-five thousand Pounds Loan what of the Principal sum of said Loan the said Trustees have Receiv'd, and put what they shall receive of the said Trustees into the Treasury, taking the Treasurer's Receipt for the same and that the same remain in the Treasury till further order of the Genl Assembly, and the said Committee make Report of their doings to the Genl Assembly as soon as may be. [Concurred by Council.]

John Gage Esq. brought into the House two Commissary accounts which he swore to and left in the House.

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

Tuesday March 13th 1753.

Met according to adjournment.

The Petition of Nathl Nason and others read.

The vote past yesterday relating to the Principal of the Loan in the hands of the Trustees sent up this day by Mr. Sanders.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Voted That there be allowed and paid unto his Excellency Benning Wentworth Esq. Governor and Commander-in-chief in & over the Province of New Hampshire, out of the money that is or shall be in the Treasury the sum of two Thousand Pounds new Tenor in full discharge of any and all arrearages and deficiencies [p. 313.] in his Excellency's salary upon all accounts whatsoever unto the twelfth day of December 1752, and that his Excellency draw the same out of the Treasury by his Warrant by and with the advice of his Majesty's Council :—Also that each member of his Majesty's Council be allowed and pay'd out of the money that is or shall be in the Treasury the sum of Eleven shillings new Tenor for every day of their attending in General Assembly from the third day of January 1748–9 until the dissolution of the present General Assembly, and also three pence new Tenor per mile for travelling to and from the place of the sitting of the General

Assembly, every time the General Assembly is adjournd or Pro rogned from Saturday to Monday or for any longer time during the said term. The same to be paid by the Treasurer upon a certificate of the Secretary.

Also that each member of the House of Representatives in the last Assembly be allowed and paid out of the money that is or shall be in the Treasury the sum of nine shillings new Tenor for every day of their attending in General Assembly from the third day of January 1748–9 untill the Dissolution thereof which was on the fourth day of January 1752, and also three Pence new Tenour per [p. 312.] (1) mile for travelling to and from the place of the sit ting of the General Assembly every time the General Assembly was adjourned or Prorogned from Saturday to Monday or for a longer time Except such as live more than twenty miles distant from the place where the General Assembly sits, who are not to be allowed Travil unless when the Genl Ass^{m} was adjourned or Prorogned for a longer time than from Saturday to Monday. But when the adjournment or Prorogation was from Saturday to Monday instead of Travel to be allowed one days pay, And that the said members be paid by the Treasurer upon a Certificate from the Clerk of the present House of Representatives And that each member of the present House of Representatives be allowed and paid out of the money that is or shall be in the Treasury the sum of nine shillings new Tenor for every day of their attendance in General Assembly from the nineteenth day of September 1752 until the dissolution of the present General Assembly, and also three Pence New Tenor per mile for travelling to and from the place of the sitting of the General Assembly every time the General Ass^{m} has been or shall be adjourned or Prorogued from Saturday to Monday or for a longer time, Except such as live more than twenty miles distant from the place where the General Assembly sits, who are not to be allowed Travil unless when the General Assem [p. 313.] bly has been or shall be adjourn'd or Prorogned for a longer time than from Saturday to Monday. But when the adjournm^{t} or Prorogation hath been or shall be from Saturday to Monday, instead of Travel, to be allowed one days Pay, and that the said members be paid by the Treasurer upon a Certificate from the Clerk of the House of Representatives: Also that there be allowed and paid out of the money that is or shall be in the Treasury unto Theodore Atkinson Esq. for his service as Secretary the sum of seventy five Pounds New Tenor yearly from the twenty-fifth day of March 1748 to the first day of January 1753, being five years and three quarters of a year, amounting to the sum of three hundred and fifty six Pounds five shillings New Tenor to be drawn out of the Treasury by his Excellencys warrant by and with the advice of the Council. Also that the Secretary for this

(1) Pages 312 and 313, repeated by error in the original record.—Ed.

Province be allowed the sum of one hundred Pounds New Tenor for the current year commencing the first day of January 1753 and ending the first day of January 1754, to be paid at the end of the year and to be drawn out of the Treasury by his Excellency's Warr^t by and with the advice of the Council. Also that Meshech Wear Esq. who acted as clerk of the late House of Representatives be allowed and paid out of the money that is or shall be in [p. 314.] the Treasury the sum of nine shillings new Tenor per Day for his service as clerk for each day of his attendance (Exclusive of his wages as a member of the House of Representatives) to be paid him by the Treasurer upon a certificate from the clerk of the present House of Representatives. . . Also that the Clerk of the Present House of Representatives be allowed and paid out of the money that is or shall be in the Treasury the sum of nine shillings new Tenor per day, for each day of his attendance in General Assembly (Exclusive of his wages as a member of the House of Representatives,) to be paid him by the Treasurer upon a Certificate from the Clerk of the House of Representatives. . . . . Also that whatever sum or sums that shall be allowed by the General Assembly for Muster Rolls shall be paid out of the money that is or shall be in the Treasury to be drawn out of the Treasury by his Excellency's Warrant by and with the advice of the Council . . . . . Also that Mr. Benjamin Akerman Door keeper be allowed and paid out of the money that is or shall be in the Treasury the sum of seventy five Pounds new Tenor in full for his service as Doorkeeper untill the twenty fifth day of March 1753, to be drawn out of the Treasury by his Excellency's Warr^t by and with the advice of the Council.

A new vote follows.

[p. 315.] Whereas this government has been at very great expence & charge in supporting the government of this His Majesty's Province, in defending the fronteers in the late war, and carrying on the war against his Majesty's enemies, and also in preventing an intended Expedition against Canada by reason and means whereof the publick is loaded with a great and heavy debt: and whereas a vote has this day passed this House granting sundry allowances to sundry persons to whom the Province is indebted—Now in order to discharge the Public Debts & to bring in and sink the Bills for promoting the said intended Expedition against Canada as fast as the circumstances of the Province will admit of, if the said vote of this House of this Day shall pass the Honourable the Council and shall be assented to by his Excellency—

Voted that there be a further Tax of Twelve thousand five hundred Pounds new Tenor laid upon the Polls & Estates in this Province to be paid in five annual payments. The first payment to be made by the last day of December 1753 and so yearly by the last day of December untill the whole is paid. And that the Treasurer issue out his Warrants accordingly by the last day of May

yearly agreeable to a new Proportion to be made by the General Assembly, and as the same shall be paid into the Treasury to re- [p. 316.] main there to be disposed of as the General Assembly shall order for the uses aforesaid—And that Mr. Speaker Mr. Sherburne and Mr. Livermore be a Committee of this House to joyn such as shall be appointed by the Honorable the Council to draw up an act accordingly. [Council concurred.]

The House adjourned till tomorrow morning nine o'clock by order of the Speaker.

Wednesday March ye 14th 1753.

Met according to adjournment.

Mr. Speaker Wear being absent in Public Business.—Voted that Coll. Peter Gillman Esq. be speaker pro tempore.

Matthew Livermore Esq. clerk of the House being absent, Voted That Eleazer Russell Esqr be Clerk pro tempore.

Voted That the muster Roll of Capt. John Goffe for forty-four men scouting the Frontiers in the year 1748 amounting to £520 19 : 5 including Billeting and amunition be allowed and paid out of the money in the Treasury—the money to be paid to each man, his order Attorney or legal Representative.

Voted That the Muster Roll of Capt. John Goffe for himself and thirty two men scouting and guarding the Frontiers in the year 1748 amounting to £610 : 10 : 5 including Billeting and ammunition be allowed & paid out of the money in the Treasury, Each man's wages to be paid him his order Attorney or legal Representative.

And then the House adjournd till three by order of the Speaker.

Post Meridiem.

Met according to adjournment.

[p. 317.] A private Act for enabling the judges of the Sup^r Court to Examine into two Judgments between Joshua Pickerin and Matthias Towle having been read three times pass^d to be en acted. Sent up by Mr. Sherburne.

Mr. Speaker Wear being absent on public Business

Voted That Coll. Peter Gilman Esq. be Speaker pro Tempore.

The Committee for auditing the Treasurers accounts brought into the House the accounts of the late Treasurer George Jaffrey, Esq. with a Report thereon which was read—and the House adjournd till tomorrow nine of the clock.

Thursday March 15th 1753.

Met according to adjournment.

Mr. Speaker Wear being absent on public Busmess Voted That Coll. Peter Gilman Esq. be Speaker of the House pro Tempore.

Voted That the Muster Roll of Capt. Obadiah Parry for himself and thirty seven men guarding the Frontiers in the year 1748 amounting to five hundred Eighty two Pounds fourteen shillings and seven pence for wages, Billeting and ammunition be allowed and paid out of the money in the Treasury, the wages to be paid to each man, his order attorney or legall Representative.

Voted That the Muster Roll of Capt. Andrew Todd for himself and Twenty-five men for Guarding the Frontiers in ye year 1748 amounting to six hundred Eighty Eight Pounds three shillings and one penny for wages, Billeting and ammunition be allowed and paid out of the money in the Treasury—The wages to be paid to each man, his order attorney or legall Representative.

Voted That the Muster Roll of Capt. Jonathan Snow for him-
[p. 318.] self and thirty men guarding the Frontiers in ye year 1750 amounting to Eighty six Pounds fourteen shillings for wages, be allowed and paid out of the money in the Treasury, the wages to be paid to each man, his order attorney or legal Representative.

Voted That the muster Roll of Capt. James Campbell for himself and fifteen men Guarding the Frontiers in the year 1750 amounting to sixty two Pounds twelve shillings & two pence for wages Billeting and ammunition be allowed and paid out of the money in the Treasury, the wages to be paid to each man, his order attorney or legal Representative.

Voted That the Muster Roll of Capt. Job Clements deceased. for himself and twenty one men Guarding the Frontiers in the year 1748 amounting to two hundred and Eighty Eight Pounds two shillings and nine pence three farthings for wages be allowed and paid out of the money in the Treasury, the wages to be paid to each man, his order attorney or legal Representative.

Voted That the Muster Roll of Capt. Jonathan Chesley for himself and seventy three men guarding the Frontiers in the year 1748, amounting to three hundred and seventy five Pounds and nine Pence for wages be allowed and paid out of the money in the Treasury, The wages to be paid to each man, his order attorney or legal Representative. That Capt. Chesley settle his Commissary account before he Receive his own wages.

Voted That the muster Roll of Capt. Moses Foster guarding the Frontiers in ye year 1748 for himself and twenty six men amount ing to two hundred and ninety nine Pounds three shillings & three pence for wages Billeting and ammunition be allowed and paid out of the money in the Treasury, the wages to be paid to each
[p. 319.] man, his order attorney or legal Representative.

Voted, That the muster Roll of Capt. William Walker for himself and forty seven men guarding the Frontiers in the year 1748, amounting to £577 : 11 : 3, for wages, Billeting and ammunition, be allowed and paid out of the money in the Treasury, that the wages be paid to each man his order, attorney or legal Representative.

The vote for sundry allowances and the vote for a Tax Bill sent up by Mr. Israel Gilman and then the House adjourned to three by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The two Muster Rolls of Capt. John Goffe with the votes thereon, That of Capt. Obadiah Parry with the vote thereon, That of Capt. Andrew Todd with the vote thereon, that of Capt. Jonathan Snow with the vote thereon, that of Capt. James Campbell with the vote thereon, that of Capt. Job Clements, dec^{d}, with the vote thereon, that of Capt. Jonathan Chesley with the vote thereon, that of Capt. Moses Foster with the vote thereon, and that of Capt. William Walker with the vote thereon sent up this day by Mr. Thomas.

The account of the Honorable George Jaffrey Esqr late Treasurer of this Province, dec^{d}. Rendered by George Jaffrey Esq. administrator to his Estate for what he had received of the Interest [p. 320.] of the Twenty five Thousand Pounds loan and of the payments made out of said money for the Repairs of the Fort, Prison and *and* his Excellency's salary with the Report of the Committee of audit thereon being read,

Voted That the said Report be accepted and that the Estate of the said George Jaffrey Esq. dec^{d}. be and hereby is discharged from the several sums therein paid and that there now remains due to the Province from the Estate of the said George Jaffrey Esq. dec^{d}. of the Interest of the said Loan, Two Thousand five hundred and sixty Pounds fourteen shillings and ten pence farthing.

The account of the Honorable George Jaffrey Esq. late Treasurer of this Province, dec^{d}. for the Intended Expedition against Canada, the annual and contingent charges of the Province for the years 1747, 1748 and to May 1749 &c. rendered by George Jaffrey Esq. Adm^{r}. being read with the Report of the Committee of audit thereon, Voted That the sixty Pounds and the sixty five Pounds Voted and allowed the Treasurer for his ordinary and Extraordinary services as Treasurer in the years 1745 and 1746 were in full satisfaction for Receiving and paying the money mentioned in those accounts as Treasurer, and that no farther allowance be made therefor.

Voted That the Report of the Committee be accepted—That the Treasurer be accountable for the fifty Pounds over paid Capt. Eastman, said payment being contrary to the allowance of the [p. 321.] General Assembly and that there remains due from the Estate of the said George Jaffrey Esq. dec^{d}. unto the Province to ballance this account Exclusive of the said Fifty Pounds, four thousand six hundred and forty five Pounds nineteen shillings and seven pence one farthing new Tenor, besides the Ballance of an account for the Province Tax for the year 1743 not included herein,

and the two hundred and sixty Pounds seven shillings and nine pence rendered out standing of the Province Tax from 1742 to 1748 which the present Treasurer is hereby required immediately to collect. [All the above votes concurred by Council.]

Voted That there be allowed and paid out of the money in the Treasury unto Mrs. Sarah Priest in full of her account (exhibited to the General Assembly,) the sum of fifteen Pounds New Tenor. [Concurred by Council.]

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Fryday March 16th 1753.

Met according to adjournment.

The Speaker being absent on public business Peter Gilman Esq. was chosen Speakr pro Tempore.

The late Treasurer's accts sent up by Mr. Sanders. The House adjourned to three o'clock afternoon.

Post Meridiem.

Met according to adjournment. The House adjournd till to morrow morning nine o'clock.

Saturday March 17th 1753.

Met according to adjournment

The Secretary came into the House & said his Excellency the [p. 322.] Govr had directed him to adjourn the General Assembly to Monday next at three of the clock in the afternoon, and accordingly adjourned the same.

Monday March 19th 1753.

A number of the members met but not sufficient to make a house, nor the Speaker. The Secretary came into the House and adjourned the General Assembly till tomorrow morning Ten o'clock.

Tuesday March ye 20th 1753.

The Honbl J. Downing Esq. bro't down from the Council the Report of the Committee for looking out a place in the Town of Portsmouth for a State House &c. with a memorandum of building a Brick house of 80 feet by 30.

The House adjournd till three of the clock in the afternoon, by order of the Speaker.

Post Meridiem.

Met according to adjournment

The Honble Daniel Warner, Esq. brought down the Petition of the Selectmen of Derrifield relating to a high-way, as on file. Then the Speaker ordered the House to be adjourn'd till tomorrow morning nine of the clock which was done accordingly.

Wednesday March 21st 1753.

Met according to adjournment.

The Hon^bl Daniel Warner Esq. bro't down the Petition of Daniel Eads (a) on file.

(a) Jour. C. & Ass. Mar. 21, 1753. The Petition of Daniel Eades relating to an action Depending at the Superior Court between the said Ead and Mr. Robt Trail read and sent down.

Voted That the Petitioner be heard on his Petition on Fryday next at ten of the clock in the forenoon, if the Court be then sit-
[p. 323.] ting and that ye Petitioner serve Robert Trail with a copy of the said Petition and order of this Court thereon, to show cause, if any he have, why the Prayer of the Petition should not be granted.

The Hon^bl Sampson Sheafe Esq. Brought down the Petition of James Leach and John Mills relating to the escape of James Tomson w'ch was read and Dismissed. (b)

(b) The petition of James Leach and John Mills setting forth that they were sureties for Francis Tucker under keeper of the Goal and that one Thompson had escaped out of Goal by which means the high sheriff had had a judgment ag^st him, and in consequence thereof had bro't his action and recovered judgment against the Petitioners & praying for a Grant of some money to enable them to discharge the said judgment &c.

The House adjourn'd till tomorrow morning nine of the clock by ord^r of ye Speaker.

Thursday March 22^d 1753.

Met according to adjournment.

Mr. Treasurer Jaffrey sent his accounts into the House.

Mr. Secretary came into the House and said he was directed by his Excellency the Governor to inform the House that the ways were so bad that he could not come up to Town and should be glad that a number of the House and of the Council would come down and confer with him upon the affairs. Whereupon,

Voted That Mr. Speaker Weare who is absent on public Business, if he can attend, and Coll. Gilman Speaker pro Tempore, Mr. Sherburne, Mr. Memurphy and Capt. Gilman be desired to go down.

The House adjournd to three of the clock in the afternoon, by order of the speaker.

[p. 324.] Saturday March 24th 1753.

Met according to adjournment.

Richard Wibird & Daniel Warner Esqs. bro't down the vote of the House of the 13th of March Inst. for granting allowances to his Excellency and others with the following amendments, viz. In Council March 24th 1753. The above vote read and concurrd with the following amendments. First, That the article of an allowance to his Excellency for Arrearages and Deficiencies of his Salary be altered, and Instead of the words [Two Thousand Pounds new Tenor in full discharge of any and all arrearages and Deficiencies in his Excellency's Salary upon all accounts whatsover unto the twefth day of December 1752] It stands worded as follows: viz. Two Thousand Pounds new Tenor towards discharging the arrearages and Deficiencys of His Excellencys Salary to the twelfth day of December 1752.

2ly That in the article for the Councils allowance, Instead of Eleven shillings new Tenor it stands worded Twelve shillings and six pence new Tenor.

[p. 325.] Voted That the first amendment be concurrd. 2ly That the House adhere to their vote for the allowance granted to his Majesty's Council, Eleven shillings per Day being full allowance.

Sent up by Mr. Macmurphy and Mr. Sanders, [Council concurred.].

The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl. Assembly to Tuesday the 17th of April next ten of the clock in the forenoon, and accordingly declared the House adjournd.

Tuesday April 17th 1753.

Met according to adjournment.

A number of the members, viz. Eleazer Russell, Mr. Henry Sherburne jun. Mr. Joseph Philbrick, Mr. Tuck, Mr. Gidding and Mr. Thomas met.

The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl. Assembly till Monday next ten of the clock in the forenoon, and accordingly adjournd the same.

Monday April 23d, 1753.

Some of the members met. The Secretary came into the House and adjournd the House till three of the clock in the afternoon.

Post Meridiem.

Met according to adjournment.

[p. 326.] A number of the members present, viz Eleazer Russell, Esq. Mr. Sherburne, Coll. Gilman Capt. Bell, Capt. Jenness, Mr. Wiggen and Mr. March. The Secretary came to the House and Said he was directed by his Excellency the Governor to adjourn the Gen[l] Assembly till tomorrow morning ten of the clock.

Tuesday April 24th 1753.

Met according to adjournm[t]. The House adjournd by order of the Speaker till three of the clock in the afternoon.

Post Meridiem.

Met according to adjournment. Mr. Speaker Weare came to the House & took the chair.

Voted that Richard Jenness Esq. & Mr. John Knight be a committee of this House to joyn such as may be appointed by the Hon[bl] Council to farm out the Excise for one year from the first of Jan[y] last past to the first of Jan[y] 1754, at Publick vendue to the highest Bidder to be paid half yearly and to take good security from the person or persons to whom it may be sold and deliver the Bonds to the Treasurer for the time being to whom the Bonds must be made payable for the use of the Government, and [p. 327.] that said Committee give public Notice of the time and place of sale.

Sent up by Mr. Knight. [Council concurred.]

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Wednesday April 25th 1753.

Met according to adjournment.

Abraham Place made oath in the House that he was in the service under Capt. Clements six weeks in the year 1748.

Voted That there be allowed to the officers and soldiers at Fort William and Mary from the 25th of March 1749 to the 25th of March 1753 Two hundred Pounds New Tenor a year in full for their wages, Billeting &c. to be paid out of the money in the Treasury. Sent up May 8th by Mr. Tuck.

Voted That the muster Roll of Thomas Bell Esq. for thirty one men landing of Guns at New Castle amounting to fifteen Pounds two shillings and three pence in full for wages and Billeting be allowed and paid out of the money in the Treasury. Sent up by Mr. Tuck. [Council concurred.]

Voted That the account of Rich[d] Jenness Esq. for wood supply'd y[e] Gen[l]. Assembly amounting to £8 : 15 : 0, be allowed and paid out of the money in the Treasury. [Council concurred.]

Sent up by Mr. Sanders.

[p. 328.] The Hon[ble] John Downing Esq. Brot Down the Petition of Abial Astin(a) as on file.

(a) Jour. C. & Ass. Ap. 25, 1753. The petition of Abial Astin one of the Constables of Methuen & Dracut in the year 1744, Praying the consideration of the Gen[l] Assembly setting forth that sundry persons in his List of Taxes were also rated in the Parish of Windham by which means he would not Levy the same,—read & sent Down to the House of Representatives.

The House adjournd to three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

William Johnson made oath in the House that he was in the service of the Governm[t] under Capt. Clements Thirty four days in the year 1748 in scouting from Barrington to Rochester.

Voted That the Secretary be desired to send to the House the Invoices that he has received relating to a New Proportion to be lay'd before the House. Capt. Wentworth went for the above Invoices.

The Secretary bro't into the House all the Invoices that were returned into his office as he said relating to the New Proportion, also a memorial relating to the work House, also a Petition of the Selectmen of Monson. The House adjourned till to morrow morning nine of the Clock, by order of the Speaker.

Thursday April 26, 1753.

Met according to adjournment.

The Secretary brought into the House a written message from his Excellency relating to a Provincial House. He also brought into the House the Petition of Sir William Pepperell with the vote of Council thereon appointing a further day for a hearing thereon, Namely Fryday the fourth Day of May next, with which vote the House concurr'd. Sent up by Mr. Thomas.

Governor's Message.

[Copied from MS. Gov[rs] Messages Vol. II, p. 99.]

Mr. Speaker
and Gentlemen of the Assembly.—

This being the most advantageous season to make Provisions for a Provincial House, I am hoping you will Embrace it, that neither myself or the Government may be put to any further inconven-

ience on that acc^{t}, for this end I have Provided a house to remove my furniture into, that the workmen may have no interruption from me if the Brick House should be thought most convenient.

The money heretofore granted for rent & repairs falling vastly short of what it was Intend for and what was absolutely necessary to be expended for my accommodation, you will observe by the Treasurer's account, is not Drawn fully out. I must therefore recommend it to you to make a just satisfaction to the Proprietors for time that is past & if needfull for the future, there being as I apprehend no Prospect of my being accomodated any other way, by which means I shall be able to give Due attention to the Publick business during the Sessions of the General Assembly.

Council Chamber in Portsm^{o} B. WENTWORTH.
April 26, 1753.

[p. 329.] The House adjournd till three of the clock in the afternoon.

Post Meridiem.

Met according to adjournment.

The Secretary bro't into the House an acc^{t} of George Mitchell, Esq. one of Dr. Sargeant, a Petition of Thos Packer Esq. to the Govr and Council, relating to the Prison and an order for a survey and a Report thereon—and an acc^{t} of Jeremiah Libbey.

Daniel Pierce Esq. brought in his acc^{t} of Sundrys and swore to it in the House and made a motion to have his fees raisd.

The House adjournd till tomorrow morning nine o'clock.

Fryday April 27th, 1753.

Met according to adjournment.

The Honble Daniel Warner Esq. bro't into the House the Petition of John Banfile, the Report of the Committee for cutting Roads &c. to and from Coos, and an account of the charge thereof and a Plan of the way from the Crotch of Merrimack River to Coos.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Report of the Committee on cutting Roads, &c.

[Copied from MS. Corr. Vol. II, p. 71.]

Province of N. Hamp^{r}. } Portsmouth, April 26, 1753.

In pursurance of a vote of Governour, Council and Assembly of the 29th of November & 6th of December last, Impowering us as a Committee to effect the cutting road, &c. to and from Co : os, and to make a report of what we should cause to be done in the Premises from time to time, to the General Assembly, Do hereby Report as follows, viz.

That we have Employed Maj^{r} Zacheus Lovewell Capt. John Tolford &. Mr. Caleb Page with a suitable Number of men as guards & assistants who have been upon the spot & have searched out a convenient way where a road may be cut & Bridged without any uncommon charge or Difficulty comencing at the Crotch of Merrimack river where the rivers of Pemidgwasset & Winnipisocee meet & Ending about Ten miles below the head

of the s^d Tract of land called Co : os, a Plan of which said way or road is herewith presented(1) with the Acc^t of the cost that hath arisen thereby all which is Humbly submitted, By

John Downing
Richard Jennes } Com^tee.
Jon^a Lovewell

In Council April 27th 1753
read & ordred to be sent down
to ye Honble House of Represnt^s.
Theodore Atkinson, Sec^y.
Indorsed—"J. Downing Esqr.
Report concerning looking out
a Road to Co : os."

Letter from Capt. Israel Williams relating to the Coos Country, to Lt. Gov. Phips.

[Copied from Book H. Prov. Rec. in Sec^ys office, p. 265.]

Hatfield March 19, 1753.

Sir—

Capt. Stevens of No. 4 was lately at my House & gave me the following acco^t, which I thought it my duty to transmit to your Honour, it appearing to me to be of Importance to the Publick, viz. That the beginning of Jany last six Indians of the St. Francois Tribe came to No. 4. Fort under a Flag of Truce; The first thing they ask'd after was, Whether it was all well? To which he answered, Yes, & asked, Whether they had not heard of the late Treaty at the Eastward—Their answer was, No, They knew of no such thing: He told them there was no Doubt but some of their Tribe was present at the Treaty: They said none of their Chiefs, for if they had any Treaty with the English it would be at Albany, or in some of these parts: They further said to the Capt you well know what you heard from our Chief men last Summer at Montreal, and what they say is always Strong. In the most of the conversation he had with them he told me *they manifested great uneasiness at our Peoples going to take a view of Cowass Meadows last Spring*, but never fully declared their minds till the morning they took their Departure, when with a great deal of Deliberation (as he express'd it) they told him, *for the English to settle Cowass was what they could not agree to*, and as the English had no need of that Land, but had enough without it, they must think *the English had a mind for War*, if they should go there, & said, if you do we will endeavour that you shall have a strong war, that they should have the Mohawks and Ottawawas to help them, That there was four hundred Indians now a hunting on this side St. Francois River, and that the owners of the land at Cowass would be all there this Spring, & that they at No. 4, might expect that if the affair of settling Cowass went forward, to have all their houses burnt—They told him further, they had no mind for War, & desired him to use his Interest to prevent the English going to Cowass, and said again, if they go there must be a War, and it would be a war of the English's making—Thus I have given the account almost in the words he deliver'd it to me nothing materially different.

Upon the whole its evident the Indians are acquainted with the Designs & Projections of a neighboring Government, & it is as evident they don't intend tamely to yield up the Possession of that place to the English, but on the contrary do what they can to hinder the settlem^t of it; and as they suppose the Land to be theirs and none without their consent have right to enter upon it, & that they have good right *vi & armis* to drive any such away, so beyond all dispute the French will encourage and help

(1) The editor has not succeeded in finding the Plan above referred to.—Ed.

them, that they may prevent the English being so near neighbors to them —However easy and practicable the settlement of Cowass may appear to some yet I make no doubt they will meet with a Tartar, & find themselves miserably disappointed that they have undertaken it, if they proceed.

Tho' there is no rational Prospect of success attending the Scheme under its present direction, yet perhaps some rash & inconsiderate attempt may be made by some of the undertakers, that may prove of unhappy consequence to themselves & others, unless care be taken—Therefore for the security and safety of the People of this Province, I can't but think it a Point of Prudence in this Government to make the Indians sensible we are neither the contrivers nor Promoters of the design of which they might be ascertain'd in the answer to their message by Captn. Stevens, which he tells me they are expecting with some Impatience.

Pursuant to your Honour's orders, two men are posted at Shirley & Pelham Forts, that is, one at each, with their Families; and inasmuch as the Reason for their continuance or appointment remains, and not having had any orders to dismiss 'em, I have directed them to continue there till your further Pleasure be known

I am, sir, your most obedient, humble servant,

Govern^r Phips, Is^l Williams.

Copy examind pr. Thos. Clarke, D'pty Secy.

Post Meridiem.

Met according to adjournment.

The House adjourn'd till tomorrow morning nine o'clock, by order of the Speaker.

[p. 330.] Saturday April 28th 1753.

Met according to adjournment.

Mr. Jeremiah Libbey made oath to the truth of an acc^t for work done to the Prison amounting to the sum of sixty-two Pounds ten shillings old Tenor, being in new Ten^r £15 : 12 : 6.

Voted That Jeremiah Libby's acc^t of fifteen Pounds twelve shillings and six pence new Ten^r be allowed for work done to the Prison to be paid him out of the Interest of the twenty-five Thousand Pounds Loan in the Treasury for Repairing of the Prison.

Sent up by Mr. Thomas.

The Secretary bro't into the House a written message from his Excellency and a Petition of Benjamin Gilman &c. He also delivered a verbal message from his Excellency the Govr and the Council relating to the Excise Act and the vote for selling the Excise, signifying that there is an amendment wanting to ascertain what the Excise to be paid is.

Governor's Message, 28th *April* 1753.

[Copied from MS. Gov^rs Messages, Vol. II, p. 103.]

Mr. Speaker &
Gentlemen of this Assembly.

In obedience to his Majesty's Commands, I have with the advice of his Majesty's Council Employed George Mitchell, Esq. to make a Plan of the

Province, one of which I transmitted to the Lords of trade some time past, but the duplicate remains with Mr. Mitchell, to rectify an essential error in the Plan, which he has my directions to lay before the House and I am perswaded you will make him satisfaction for his trouble in this service upon his effecting that mistake.

The Secretary will lay before you by my order a Journal of a Treaty of Peace with the Eastern Indians, held at Falmouth in Sept 1749, (1) and as I thought it for his Majesty's service & the Interest of the Province I appointed Commissioners to appear at said Treaty in behalf of this Province, the charges arising on this service also, the Secretary will furnish you with, which I have no room to doubt but you will discharge with honour, the money being hitherto advanced by private persons.

B. Wentworth.

Council Chamber in
Portsmouth April 28th, 1753.

The House adjournd till Monday next three of the clock in the afternoon by order of the Speaker.

Monday April 30th 1753.

A number of the members met but not the Speaker. The Secretary came into the House and adjournd the Genl Assembly till to morrow morning ten of the clock.

[p. 331.] Tuesday May the first, 1753.

Met according to adjournment.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Upon reading the Petition of Antipass Gilman and others, Voted That the Petitioners be heard on the sd Petition on the third day of the sitting of the Genl Assembly next after the first day of June next and that they at their own cost serve the Guardian of the minors Interested in the Premises & all other persons Interested therein who are not Petitioners, with a copy of the sd Petition and of the order thereon, to appear and shew cause, if any they have, why the prayer of the Petition should not be granted. Sent up May 3d A. M. by Mr. Thomas.

The Petition of the Selectmen of Monson being read, Voted That it be dismissed(a).

(a) "Praying to be omitted in the Proportion now about to be made for aportioning the Prov. Tax." Jour. C. & Ass. Ap. 25, 1753.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

(1) See copy of said Treaty in Vol. V, Prov. Papers, pp. 131-133.

Wednesday May 2d, 1753.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

[P. 332.] Thursday May 3d 1753.

Met according to adjournment.

The Act for reviving the additional Probate Act having been three times read,

Voted, That it pass to be Enacted. [Concurred & Assented to]

The Petition of Antipass Gilman &c. & the aforementioned all sent up by Mr. Thomas.

The Honble Saml Smith Esq. bro't down the Petition of Jonathan Longfellow.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Secretary bro't into the House the Petition of William Morrison(a) &c.

(a) "Praying the aid of the General Assembly in relation to some Transactions at a Town meeting there held for the choice of Town officers" &c. Jour. C. & Ass. May 3, 1753.

Upon reading the Petition of William Morrison and others, Voted That the prayer of the Petition be granted. That there be a Town meeting in the Town of Nottingham mentioned in said Petition between this day and the last day of June next and that Joshua Pierce Esq. be the moderator of said meeting to be called by him and yt he give Eight days notice of the time and place of meeting. Sent up by Mr. Knight.

John Macmurphy Esq. Mr. Joseph Thomas, Mr. Jonathan Lovewell and Mr. James Stoodley jun. respectively made oath that they would faithfully execute the office of a Collector of Excise accord-
[P. 333.] ing to their best skill and judgment.

The House adjournd till to morrow morning nine of the clock by order of the Speaker.

Fryday May ye 4th 1753.

Met according to adjournment.

The House adjournd for one quarter of an hour by order of the Speaker.

Met according to adjournment.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Act for a New proportion having been read three times Voted, That it pass to be enacted.

Sent up by Mr. Sanders with the Invoices.

Upon Reading the Petition of Sir William Pepperell and the Petitioner and Executors of Jotham Odiorne, Esq. dec^{d}, being heard thereon, Voted That the Petitioner have liberty and be authorized to make a lawfull tender of what is now due to this Province upon the lands mentioned in s^{d} Petition and to the estate of the s^{d} Jotham upon the said lands,—that he be allowed to pursue and maintain an action against the Estate of Simon Gilman dec'd, to make out the Justice and legality of his demand against the [p. 334.] said Estate, That he have the advantage of the s^{d} lands so far as to make him whole (if there be sufficient) deducting what he shall pay for the redemption thereof, That the overplus (if any) be for the advantage of the other creditors to the Estate of the s^{d} Simon and his Heirs and that the Petitioner have liberty to bring in a Bill accordingly. Sent up by Mr. Tuck. [Council concurred.]

The House adjourned for a quarter of an hour by order of the Speaker.

Met according to adjournment.

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

Saturday May 5th 1753.

Met according to adjournment.

Upon reading the Petition of John Banfile Voted, That the said Petition be dismissed. The Petition of Abiel Austin being read, Voted That it be dismissed.

The House adjourn'd till Monday next ten of the Clock in the forenoon by order of the Speaker.

May ye 7th 1753.

Met according to adjournment

The House adjournd till three o'clock afternoon, by order of the Speaker.

Post Meridiem

Met according to adjournment.

[p. 335.] Mr. Daniel Allen made oath that he was in the service under Capt. Job Clements dec'd, in the year 1748, the space of nine weeks, in the room of a pressed man five weeks at one time and four at another.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Tuesday May ye 8th 1753.

Met according to adjournment.

Voted That there be paid unto his Excellency Benning Wentworth Esq. out of the money that is or shall be in the Treasury the sum of one hundred and sixty-eight pounds fifteen shillings new Ten^r in full for house Rent and Repairs from the twelfth day of December 1748 to the twelfth day of June 1753, and it is to be understood that what was laid out the last fall by vote of the General Assembly for Repairing the Governor's House is to be deducted out of said sum.

Further Voted That there be paid unto his Excellency Benning Wentworth Esq. out of the money that is or shall be in the Treasury the sum of fifty pounds new Tenor in full for House Rent and Repairs from the twelfth day of June 1753 to the twelfth day of June 1754. Sent up by Mr. Sanders.

The acc^t of Thomas Bell, Esq. amounting to the sum of forty-[p. 336.] five Pounds two shillings and nine pence new Ten^r allowed. Sent up by Mr. Philbrick. [Council concurred]

The Muster Roll of Thomas Bell Esq. amounting to the sum of £615 : 12 : 5 new Ten^r allowed. Sent up by Mr. Tuck. [Council concurred.]

As also the vote of allowance to the officers of fort Wm. & Mary y^t past 25 April. Adjournd till three o'clock afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment.

The question being put whether the Excise to be paid by Tavern keepers, Innholders and Retailers for sundry Liquors by virtue of an Act Entitled an act for granting unto his Majesty an Excise on several Liquors made and passed in the fifth year of his Majesty's Reign, is to be understood New Tenor or old Tenor, Resolved That the same is to be understood, paid and taken as New Tenor from the first day of January 1753. Sent up by Mr. Thomas. [Concurred]

Voted That there be paid unto Thomas Packer Esq. as Sheriff the sum of Fifty Pounds new Tenor in full from the twenty-fifth

day of March 1748 to the twenty-fifth of March 1753, to be paid out of the money that is or shall be in the Treasury. [Concurred]

[P. 337.] Further Voted that he be paid the sum of twelve Pounds ten shillings new Tenor in full for the use of the Court House from the twenty fifth day of March 1748 to the twenty-fifth day of March 1753, to be paid out of the money that is or shall be in the Treasury.

Sent up Wednesday by Mr. Gidding.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Wednesday May ye 9th 1753.

Met according to adjournment

The acc^t of Daniel Pierce Esq. amounting to the sum of £25 : 15 : 2 : 1, new Ten^r allowd, to be paid out of the money that is or shall be in the Treasury. [Concurred.]

The acc^t of Mr. Ezra Carter amounting to the sum of £2 : 4. new Ten^r allowd, to be paid out of the money that is or shall be in the Treasury. [Concurred.]

The acc^t of Sargent & Dearborn amounting to the sum of £8 : 10 : 9 New Ten^r allowed, to be paid out of the money that is or shall be in the Treasury. Sent up by Mr. Gidding.

The vote for Mr. Packer's allowance sent up this day by Mr. Gidding. [Concurred.]

Voted That the Key of the Province Box which was in the hands of Eben^r Stevens Esq. the late Speaker of the House of [P. 338.] Representatives, and all papers he had in his keeping that belonged to the Government be delivered to Meshech Weare Esq. the present Speaker of the House of Representatives for the Province of New Hampshire, and that Jedediah Philbrick Esqr. be and hereby is desired and impowered to receive the same and deliver them to the present Speaker.

Voted That the acc^t of Theodore Atkinson Esq. amounting to the sum of one hundred and two Pounds seventeen shillings and nine Pence New Ten^r be allowd, to be paid out of the money that now is or shall be in the Treasury. Sent up by Esq. Philbrick. [Concurred]

Mr. Atkinson's Account.

[Copied from MS. Corr. Vol. II. p. 78.]

1748. *Province of New Hampshire to Theodore Atkinson, Dr.*

To cash p^d Fleet Proclamations for a Fast By verbal order of the General Court,	£8 :	
To cash pd Samuel Wentworth for a blanket for an Indian & his Squaw Imprisoned pr order of the Superior Court & pr order of Govr & Council	5 : 10	
To Do p^d Do 2½ yds half Thicks at 26s. stockings,	3 : 5	
To p^d Love Almery for 2 shirts at 70s.	7 :	
To p^d Soll^o. Loud for 2 pr Indian schoes	4 : 10	
	———	20 : 15 :
To 3 copys of the Act for altering the time of the setting of the Court of Appeals & Holding the Superiour Court, &c. at 20s		
To 42 copys of the vote of Assembly requiring an Invoyce of each set of Selectmen endorsed with a letter to each, at 10s	21 :——	21
To 4 ream of Paper at sundry times from Boston	36 :	
To 2 ream bo't here	22 :	
To a book for recording the Journal of Genl. Assem.	10 :	
	———	68 :
To Coll. Downings & my own Expences to Casco Bay by the Governour's Commission, on a Treaty with the Indians, Exclusive of time & horse hire		£153 : 6
To myself & Col. Downing each 18 Days time & horse hire &c . . .		108 : 0
To Rolland Cotton Esq. as Secretary at the Treaty for his Trouble & copys		30 : 0
To the copy of fifteen Acts for the Collectors of Excise by the Act to be paid for by them		
	Old Ten^r	£411 : 11 : 0
	New Ten^r	102 : 17 : 9

Portsm^o. N. Hamp^r May the 9th 1753
Submitted to ye Genl Assembly
Theodore Atkinson.

April 6, 1754
Paid Coll. Downing £105, being his part.

Voted That Matthew Livermore Esq. be allowed Eighty Pounds New Tenor to be paid out of the money that is or shall be in the Treasury in full for his service as attorney Genl and drawing Acts from the year 1746 to this time. Sent up by Mr. Lovewell. [Concurred.]

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment

The Secretary bro't in to the House Sundry Papers, viz. The High way Act, the Act for a new Proportion with several Papers relating to Salem and Windham and the Petition from sundry Inhabitants of Nottingham, and said the Governor did not like the

[p. 339.] Exception in ye Highway Act so far as it related to the Governor & Lieutenant Governor, inasmuch as it seemed by that Exception that the Govr and Lieutenant Governor would be obligd to work on ye high ways, if not particularly excepted, and also that his Excellency would have it but two years, and further said the Council were content the above alterations should be made by the House, Notwithstanding they had passed the same. He also said the Council observd y^t in ye proportion for a New that there were sundry persons taken from Salem and put to Wendham which he s^d ye Council tho't ought to belong to Salem for Reasons which he mentioned and left sundry papers relating thereto.

He also s^d the Governor tho't it was unnecesary to make an act for a Town meeting at Nottingham, but that it insted be done by a vote.

The Sec^y and the Honble Danl Warner Esq. bro't into the House the vote for sundry allowances and the Secretary said his Excellency did not like the words *for discharging* &c. but would have it *towards* discharging &c. for that the word *for* may preclude him from asking any thing more hereafter.

In answer to the verbal message by the Secretary relating to the highway act, the House made the alteration as to the Governor and Lieutenant Governor, but made no alteration as to the time of the continuance of the s^d act, inasmuch as it is Judged to be a very beneficial act and was sent back to the Council by Mr. Sherburn [p. 340.] and Esq. Philbrick; And as to the message relating to Salem and Wendham, That if the Council tho't proper to take any thing from Wendham and put it to Salem the House had nothing to say against it, But that the House did not at present apprehend that it lay with them to settle any dispute there is between Salem and Wendham relating to their Boundary.

With respect to the allowances, the House made the alteration agreeable to the message from his Excellency which was sent back by Mr. Sherburn and Mr. Thomas.

The Acc^t of David Horney amounting to the sum of Eight Pounds new Ten^r allowed. In answer to the message relating to a Town meeting at Nottingham, the house agreed to the proposed amendment and ordered the words following to be eras'd in the vote, namely [and that the Petitioners have liberty to bring in a Bill accordingly.] [Concurred.]

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Thursday May 10th 1753.

Met according to adjournment.

The Committee for telling over the money in the Treasury that is to be burnt bro't into the House a Receipt from the Honble Richard Wibird Esq. for the sum of forty one Pounds five shillings

new Ten^{r} being so much allow'd Mr. Clement Minor by vote of Genl Assembly for so much Bills of Credit on the Province of New [p. 341.] Hamp^{r} burnt in the dwelling house of the s^{d} Clem^{t} Minor, also a Receipt from the Honble Meshech Wear Esq. for the sum of one hundred and fifty Pounds new Ten^{r} being so much allow'd Mr. Humphrey Scammon by vote of Genl Assembly for so much Bills of Credit on the Province of New Hampshire burnt in the dwelling house of the s^{d} Humphrey Scammon, and for two Pounds two shillings New Ten^{r} being so much allow'd Mr. Thomas Rawlins by vote of Genl Assembly for so much burnt in the dwelling house of the said Thomas Rawlins which was paid out of the money in the Treasury to be burnt agreeable to votes of the General Assembly: Therefore Voted that the said Committee be and hereby is discharged from said sums.

The acc^{t} of Mrs. Ann Slayton amounting to the sum of £10 : 5 : 9 new Ten^{r} allow'd. The acc^{t} of N. Sargent Esq. amounting to the sum of £2 : 8 : 6 N. Ten^{r} allow'd. [Concurred.]

Capt. Horney's acc^{t}, Mrs. Slayton's acc^{t} and Dr. Sargents acc^{t}, and the vote for Discharging the Committee for telling the money in the Treasury to be burnt, with the Receipts therein Referrd to, sent up by Esqr Page.

Petition for Town meeting at Nottingham sent up by Mr. Wiggen.

Voted That there be allowd and paid out of the money in the Treasury or that shall be in the Treasury unto the Reverend Mr. Saml. Langdon the sum of five Pounds new Ten^{r} for his attending and praying with the late Genl. Assembly and with the present Genl. [p. 342.] Assembly. Also voted that there be allowd and paid out of the money that is or shall be in the Treasury unto the Reverend Mr. Samuel Haven the sum of Three Pounds new Tenor for the present General Assembly.

Sent up by Mr. Sanders.

The acc^{t} of Matthew Livermore amounting to £1 : 11 : 4 : 2 New Ten^{r} allowd. Sent up by Mr. Sanders. [All foregoing concurred]

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Voted That Nathl Fellows be allowed four Pounds new Ten^{r} which, with four dollars he rec^{d} (as he says) of Coll. Wendell and Col. Greenleaf hereafter to be allowd, is in full of his acc^{t} to be paid out of the money that is or shall be in the Treasury. Sent up by Esq. Philbrick and Mr. Lovewell.

The act on the Petition of Sir William Pepperell Voted to be enacted. Sent up by Esq. Philbrick and Mr. Lovewell.

The Committee for Examining & enquiring into the State and circumstances of the Prison &c. making their Report that they

had taken a survey of it and find it so bad that they think it cannot be repair'd so as to make it safe and convenient but rather think it best to build a new one, and that they have also looked [p. 343.] into the accounts of the Loan and find there has been expended upon it thirty one Pounds five shillings and nine pence half penny new Ten^r so that there remains twelve hundred and sixty eight Pounds fourteen shillings and two pence half penny new Tenor—and the same being read, Voted That it be accepted.

Whereas the Committee for Examining and enquiring into the state and circumstances of the Prison &c. making Report that they had taken a survey of it and find it so bad that they think it best to build a new one and that they have also looked into the accounts of the Loan and find there has been expended upon it Thirty one Pounds five shillings and nine pence half penny new Ten^r so that there remains twelve hundred and sixty eight Pounds fourteen shillings and two pence half penny—which Report being read was accepted—Therefore Voted That Eleazer Russell Esq. and Mr. Thomas Wiggen be a Committee of this House to joyn such as shall be appointed by the Honble Council to look out for a convenient place in the Town of Portsmouth in the Province of New Hamp^r to build a Goal upon,—also to consider of what form and Bigness, the same is best to be and with what materials to be built and to Enquire what a suitable Piece of Ground for building a Prison upon may be purchased for and make Report thereon as soon as may be.

[p. 344.] Daniel Warner Esq. bro't down the Petition of Jonathan Combs which was read & ordred to ly for consideration.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Fryday May 11th 1753

Met according to adjournment.

Mr. Zebulon Gidding made oath that he would faithfully execute the office of a Collector of Excise agreeable to Law according to his best skill and judgment.

The Report of the Committee about the Prison and the New Vote for a Committee to look out a place suitable to build a prison upon &c. sent up by Mr. Knight and Deacon Philbrick, who also were to enquire if the vote of allowances was assented to by the Governor.

The Secretary came into the House and in Answer to the message by Messrs Knight and Philbrick relating to the vote of allowances said, that his Excellency said the vote for allowances should pass with the act, but that one should not pass without the other.

Voted That the muster Roll of the men under Capt Job Clements scouting and guarding the Frontiers in the year 1748; as as-

certained and made up amounting to the sum of Eighty six Pounds seven shillings and three pence new Ten^{r} be allowd and paid out of the money in the Treasury each man's wages to be paid him, his order, attorney or legal Representative. Sent up by Mr. Wiggen.

[p. 345.] The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment.

The acc^{t} of Capt. Mark Langdon amounting to the sum of one Pound twelve shillings and three Pence new Ten^{r} allow'd him and paid out of the money that is or shall be in the Treasury. Sent up by Doct^{r} March & Mr. Tuck.

Mr. Knight and Mr. Lovewell went with a verball message to his Excellency the Governor and Council signifying that the House desird there might be a Conference of a Committee of the Council and of the House with his Excellency.

Voted That the consideration of Mr. Mitchell's acc^{t} be deferrd till a further day, and that the plan brought into the House by Mr. Mitchell be returnd to him.

The Secretary came into the House and said in answer to the message about a Conference that his Excellency and the Council were ready to have a Conference and that persons were appointed for managers. He also said the vote for allowances was assented to by the Governor.

Voted That Mr. Speaker, Mr. Sherburn, Capt. Jenness, Capt. Bell, Doct. March and Mr. Livermore be the persons from this House to joyn in the Conference.

The House adjournd till tomorrow morning Eight o'clock by order of the Speaker.

Saturday May 12th 1753.

Met according to adjournment.

[p. 346.] The House adjournd for the space of ten minutes by order of ye Speaker.

Met according to adjournment.

Voted That the Travil to be allowd to each member of this House be as set against his name.

The House adjournd for the space of ten minutes by order of the Speaker.

Met according to adjournment.

The Act for granting unto his Majesty the sum of Twelve Thousand Pounds, Voted to be Enacted. Sent up by Deacon Philbrick and Mr. Thomas. (a)

(a) Journ. C. & Assem. May 24, 1753. Upon reading at the board the Bill for supplying the Treasury with the sum of £12500 the following Questions was put to his Maj^tys Council by his Excellencys orders:

Q. 1st. Weither the Governour's consenting to the Act for issuing £12500 out of the Treasury is not contrary to the true intent and meaning of an Act of Parliament made & passed Novr 10, 1747, wherein the Governours amongst other things are expressly forbid under the severest Penalties to consent to any Act, vote or order or allowance for re-issuing or postponing any money in the Treasury contrary to the act whereby it was placed there.

Q. 2^d And weither such a consent if contrary to s^d Act will not be *ipso facto* void and consequently useless for the Purposes intended to be answered by it ?

Upon which the Question was Put weither the Council would advise his Excellency to consent to the passing the Act referr'd to in the above Questions & weither his so consenting would not be contrary to the Intent & meening of the said Act of Parliament in the s^d Questions mentioned &c.—To which the Council did unanimously agree That his Excellencys passing the said Act for the supply of the Treasury with £12500 is no way contrary to the said Act of Parliament, nor the true Intent and meaning thereof, and therefore advised his Excellency to consent to the same.

The Act for supply of the Treasury with the sum of £12500 as sent up (Passed by the House) the 12th Inst. being read at the board a third time Passed by the Council to be Enacted—to which his Excellency was pleased to give his consent.

Voted That the Treasurer of this Province for the time being pay out of the money in the Treasury to such Persons as are entituled to a premium for wolves heads fifty shillings new Tenor for each head. And to the Grand Jurors of this Province so much as is now due to them for their service as grand jurors agreeable to law. And to any Coroners of this Province such sum or sums of money as are now due to them from the Province agreeable to Law. And such sum or sums of money as are now due to any of the Constables of Portsmouth for attending the Respective Courts in this Province agreeable to Law. Sent up by Esqr Philbrick.

[p. 347.] The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till Thursday the seventeenth day of May Inst. and accordingly adjournd the same.

Thursday May 17th 1753.

A number of the members met sufficient to make a house but not the Speaker. The House made choice of Peter Gilman Esq. for Speaker pro Tempore.

Voted that the Travil of the following members of the late Genl Assembly be as follows, viz. The Honble Richard Waldron, Esq. two mile, Moses Leavit Esq. from Stratham twelve mile, Capt. Jonathan Thomson from Durham fourteen mile, Edward Hale Esq. from New Market thirteen mile.

The Secretary came into the House and said he was directed by

his Excellency to adjourn the Gen[l] Assembly till Thursday next ten of the clock in the forenoon and accordingly adjournd the same.

Thursday May 24th 1753.

Met according to adjournment.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment. The Secretary came into the House and said that the Governor had assented to the Treasury bill for the sum of twelve Thousand five hundred Pounds and that [p. 348.] he was directed by his Excellency to adjourn the Gen[l] Assembly till the nineteenth day of June next, and accordingly adjournd the same.

Tuesday June 19th 1753.

Several of the members met but not sufficient to make a house, nor the Speaker, the Secretary came into the House and adjournd the Gen[l]. Assembly till three of the clock in the afternoon.

Post Meridiem

Several of the members met but not sufficient to make a house, nor the Speaker. The Secretary came into the House and adjournd the Gen[l] Assembly till ten of the clock in the forenoon.

Wednesday June 20th 1753.

Met according to adjournment.

Sam[l] Davis made oath that he was in the service of this Province in y[e] year 1748 under the Command of Capt. Job Clements, dec[d], one month. Joseph Tibbets (being a Quaker) affirmed on the pains and Penalty of Perjury that Bryent Davis a servant of his was in the service of this Prov[e] as a centinel under Capt. Job [p. 349.] Clements, Dec[d] one month in y[e] year 1748.

The Secretary bro't into the House the Petition of David Elliot and two persons with it.

Whereas it appears that the advance Wages is twice deducted out of the muster Roll of Capt. Job Clements at Chester and Barrington in y[e] year 1748, who were enlisted April 7, 1748,

Voted That the sum of forty four Pounds deducted out of the foot of the said muster Roll be allowed and that each man Receive for his wages the sum carryed off against his name in the column of what is due. Sent up by Esq. Philbrick.

Coll. Gilman bro't into the House the Petition of Wm. Walker. Upon reading the Petition aforesaid, Voted that there be paid unto the Execut^{r} & Admin^{r} of John Rawlins mentioned in the s^{d} Petition out of the money in the Treasury the sum of six pounds thirteen shillings and seven pence new Ten^{r} for the nine weeks and five days service mentiond in the said Petition (the same not having been yet allowd) and unto Capt. William Walker the sum of five Pounds five shillings new Ten^{r} for Billeting the said John [p. 350.] Rawlins at the same time. Sent up by Esq. Philbrick.

Nathl Huggins made oath that in the year 1748, he was one month in the service under Capt. Job Clements & Capt. Jon^{a} Chesley and y^{t} he can't find he has been allowed for more than one half of that time. The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Upon Reading the Petition of David Elliot,

Voted That the Petitioner be heard upon the s^{d} Petition on Thursday the 28th Day of June Inst. if the Genl Assembly be then sitting, & if not then sitting, then on the third day of the sitting of the Genl Assembly next after next week, and that the Petitioner at his own cost serve the adverse party with a copy of this Petition and of the order thereon, to shew cause, if any he have, why the Prayer of the Petition should not be granted. Sent up by Esq. Philbrick.

Voted that there be paid out of the money in the Treasury unto [p. 351.] David Welsh the sum of three Pounds and ten pence half penny new Ten^{r} for thirty one days omitted in the muster Roll of Capt. William Walker. Sent up by Esq. Page.

Capt. Jeremiah Clough came into the House and moved for a further allowance upon a muster Roll which he exhibited in ye year 1747, and the House upon considering his motion determined unanimously to make a further allowance.

Voted That the Treasurer send out his Warrants for collecting the Province Tax of the thirteen Thousand Pounds for the curr't year agreeable to the prices affixed and set to the articles mentioned in a vote passd by this House on the twenty-first day of October 1752. Sent up by Capt. Wentworth.

Voted That there be allowed and paid unto Mr. Hunking Wentworth out of the money in the Treasury the sum of two Pounds six shillings and three pence new Ten^{r} in full for his acc^{t} for a Book of Records for the Inf^{r} Court. Sent up by Mr. Hale. [The foregoing all concurred.]

The House adjourned till tomorrow morning nine o'clock by order of the Speaker.

Thursday June 21st 1753.

Met according to adjournment.

[p. 352.] Voted That the Honble Meshech Weare Esq. and Mr. Henry Sherburn jun^r be a Committee of this House to joyn with such as may be appointed by the Honble Council to enquire into the state of the Massachusetts demands relating to Fort Dummer, to procure and prepare all necessary Papers in order to make a true Representation of that matter and forward the same to John Thomlinson Esqr. agent for this Province at the Court of Great Britain as soon as may be, at the Expence of the Province, and that the said Committee make Report from time to time to the Genl. Assembly of their Proceedings. Sent up by Mr. Lovewell. [Concurred.]

The Secretary bro't into the House Sundry papers relating to Fort Dummer.

The Secretary bro't into the House a Petition of Mr. Jona. Lovewell &c. (a) Upon the reading the above Petition, Voted That the Petitioners be heard on the said Petition on the third day of the sitting of the Genl. Assembly next after the first day of August next and that the Petitioners at their own cost cause the sub- [p. 353.] stance of s^d Petition and of the order thereon to be put into the Post Boy Print three weeks successively that any person or persons that may be affected by the Prayer of s^d Petition's being granted may appear and shew cause, if any they have why the Prayer of the s^d Petition should not be granted. Sent up by Mr. Lovewell.

(a) "Praying to be enabled to lay a Tax upon the unimproved Lands lying in the said town to Defray the charge of building a bridge over Nashua river." Joun. C. & Ass. June 21, 1753.

The House adjourn'd till tomorrow morning nine of the clock by order of the Speaker.

Fryday June 22^d 1753.

Met according to adjournm^t. Upon Reading the Petition of William Parhan, John *Ridelle* & Alexand^r Macmurphy selectmen of Derryfield, Voted That Mr. Zebulon Gidding be a Committee of this House to joyn such as may be appointed by the Honble the Council to go and take a view of the two ways referr'd unto in the s^d Petition and Notify the Selectmen of Derryfield for this present year, and those Persons who were Selectmen of Derryfield for the year 1752 to be present, if they please, and make Report to the Genl Assembly as soon as may be which of s^d ways appears to be most convenient for the public or whether it is best they should [p. 354.] both remain, and that the cost be defrayed by Derryfield. Sent up by Mr. Lovewell.

Pane Tibbets made oath that he was in the service of this Province in the year 1748 under the command of Capt. Job Clements, dec'd.

Upon Reading the Petition of Jonathan Longfellow against Abner Clough, Voted the Petitioner be heard upon the said Petition on the third day of the sitting of the Genl Assembly next after the first day of August next, and that Execution of the Judgment referr'd unto in the said Petition be suspended in the meantime and that the Petitioner at his own cost serve ye adverse Party, Abner Clough with a Copy of the s^{d} Petition and of the order thereon to shew cause if any he have why the Prayer of the Petition should not be granted. Sent up by Mr. Knight.

Voted That Richard Jenness Esq. be and hereby is desired to prepare a Bill for the suppressing of Private Lotterys.

[P. 355.] The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Saturday June 25th 1753.

Met according to adjournm^{t}.

Voted That the sum of seven Pounds three shillings and nine Pence New Ten^{r} be allowd and paid unto Capt. Jona. Chesly out of the money in the Treasury in full of his acc^{t} for haling sundry stores &c. from Durham to Nottingham, and that the s^{d} Chesly Receive his wages as settled in his muster Roll accounting for what he rec^{d} to the Treasurer, for advance wages. Sent up by Mr. Macmurphy.

The House adjournd till Monday next three of the clock in the afternoon by order of the Speaker.

Monday June 25th 1753.

Mr. Speaker and a number of the House met & the House adjourned till tomorrow nine o'clock by order of the Speaker.

Tuesday June 26, 1753.

Met according to adjournment, & the House adjourn'd till three o'clock in the afternoon, by order of the Speaker.

[p. 356.] P. M. June 26.

Met according to adjournm^t [and adjourn'd till]

Wednesday, P. M. June 27th.

Voted, That Henry Sherburn jun^r be Clerk of this House pro tempore, Math. Livermore Esq. Clerk of the House being sick.

Whereas a vote passed the General Assembly ye 27th May 1748, That Joseph Pudney should be posted at the Garrison in Rumford from ye 27th of May to the last of September following,

Voted, That there be allowed and paid unto the said Joseph Pudney or his order out of the money in the Treasury Twenty pounds eighteen shillings & six pence in full for wages, Billeting and amunition during ye s^d Time. Sent up by Mr. Macmurphy. [Concurred.]

Mr. Secretary brought down the Petition of Joshua Prescut & also the Petition of Samuel Adams.

The House adjournd till tomorrow nine o'clock by order of the Speaker.

[p. 357.] Thursday June 28, 1753.

Met according to adjournm^t.

The Petition of Doct^r Samuel Adams as on file being read—Ordered that it be dismissed.

The Petition of Joshua Prescut (1) as on file being read, Ordered that it be dismissed.

This being the day appointed for the hearing the Petition of David Eliot, Both parties appearing the Petition is read and both Parties being fully heard by their Council, with drew and then the House after mature deliberation on the affair Voted That the Petition be dismissed.

The House adjourned till three o'clock by order of the Speaker.

P. M. June 28, 1753. Met according to adjournment

A muster Roll for a number of men under ye command of Capt. Job Clements guarding the Frontiers in ye year 1748, amounting to ninety nine Pounds 16 : 4, being made up and presented,

Voted That s^d muster Roll be allowed and paid out of the money in the Treasury, that the money be paid to each man, his order, attorney or legall Representative. Sent up by Mr. Thomas.

William Parker Esq. Attorney to Antipas Gilman & others bringing the Petition of s^d Antipas and others into the House & Representing that the time appointed for hearing s^d Petition was passed and moving that a further time be appointed for hearing thereof,

(1) In C. & Assm. Journal this name is Perkins.—Ed.

[p. 358.] Voted that the s^d^ Antipas Gilman and others Petitioners be heard on their s^d^ Petition on the third day of the sitting of the General Assembly next after the first day of August next and that they at their own cost serve the guardians of the minors interested in the premises and all other persons interested therein who are not petitioners with a copy of the s^d^ petition and the order thereon that they may appear and shew cause if any they have why the Prayer of the Petition should not be granted. Sent up by Mr. Gidding.

The House adjournd till tomorrow nine o'clock by order of the Speaker.

Fryday June 29th 1753.

Met according to adjournment.

The Com^tee^ appointed by the vote passed in this House on ye 29th Novem^br^ 1752 in answer to the memorial of Capt. Wm. Symes —reporting that no settlement had been made at Coos agreeable to said vote, & that Coll. Symes was desirous to go forward with s^d^ settlement agreeable to said vote, if further time might be allowed,

Voted That there [be] a further time allowed for the carrying s^d^ vote of ye 29th of Novem^r^ 1752 into Execution under all ye Limitations & Restrictions therein mentioned, viz. till the last day of May next. Sent up by Mr. Jed. Philbrick. [Concurred.]

Voted That all the money allowed in Capt. Obadiah Parry's muster Roll for Billeting the men be paid to the Rev^d^ Mr. Phineas Stevens and that he be accountable to the respective persons to whom it may belong. Sent up by Mr. Wiggens. [Concurred.]

The Honble Samuel Solly and Daniel Warner Esqs. came into the House and brought the House's vote of May 28th 1753, for ye allowance of his Exc^y^ the Gov^rs^ House-rent &c. & said that the [359.] Council thought that the allowance was not enough. They also brought a written message from his Exc^y^ wch is on file.

Governor's Message.

[Copied from MS. Gov^rs^ Mess. Vol. II. p. 107.]

Upon my meeting you in Genl Assembly I desired that you would pass a resolve to enable the Treasurer to pay me my salary at such times & Seasons as would be convenient for me; the stated time as it now stands, being very inconvenient on account of the season of the year. I likewise desire that the Treasurer may be enabled to adjust the price of silver for such deficiencys as may be due at the times my salary is paid, or in any other way, that may be a saving to the public & not injurious to me.

B. Wentworth.

Council Chamber in
Portsmouth, 29 June, 1753.

The House adjournd till three o'clock by order of the Speaker.

Fryday June 29th 1753. P. M.

Met according to adjournment.

Mr. Secretary brought down a written message from his Excy the Govr relating a provision for the Fort as on file.

Governor's Message.

[Copied from MS. Govrs Mess. Vol. II. p. 105.]

Mr. Speaker &
Gentlemen of the Assembly—

The provision you have made for the service of his Majesty's Fort Wm & Mary to 25th March 1753 has had my consent. I have further to desire that the provision you may make from that time the Treasurer may be enabled in your vote to pay Quarterly, that the men posted there may be regularly paid, otherwise there will be little service, neither will the Province reap that benefit from their service wch they might reasonably expect.

B. Wentworth.

Council Chamber,
in Portsmo June 29, 1753.

The House taking under consideration the Council's message in ye forenoon Relating the House's vote of ye 8th of May last, Voted, That the House adhere to their vote.

The House taking under consideration his Excys message of ye forenoon relating to the altering the time of paying his Salary;—

Voted That his Excy the Governor be impowered to draw his Salary out of the Treasury Quarterly & the Treasurer is hereby required to pay the same Quarterly. Sent up by Mr. Knight. [Concurred.]

Whereas by an act passed ye 3 of April 1742 there was granted to his most Excellent Majty towards the support of his Excellency Benning Wentworth Esq. Govr & Comdr in chief in & over his Majtys Province of New Hampr, the sum of Two hundred & fifty pounds Proclamation money or in Silver money at 6:8 pr oz. &c. or in such sums of bills of Credit of this Province as shall be equal thereto, to be paid the one half on ye 12th of June, and the other half on ye 12th of Decemb: yearly, & whereas the House have passed a vote impowering his Excy to draw his Salary out of the Treasury Quarterly: Now in order that Justice may be done & that his Excy may Receive the value of said grant—

[p. 360.] Voted That the Honble Meshech Weare Esq. & Henry Sherburn jun. be a Committee of this House to joyn with such as may be appointed by the Honble Council to settle and determine ye difference of money from time to time as his Excys Salary by virtue of sd grant may become due & make report unto his Excy in order that he may receive ye full value agreeable to said grant, and their Report shall justify the Treasurers paying the same. Sent up by Mr. Knight. [Concurred.]

The House adjournd for one quarter of an hour by order of the Speaker.

Met according to adjournment.

An Act to Inforce the assessing & Collecting of Rates of Taxes having been read three Times:

Voted That it pass to be enacted. Sent up by Mr. Gidding.

Voted That there be allowed & paid out of the money in the Treasury unto the officers and soldiers posted & employed by his Exc^{y} the Govern^{r} at his Maj^{tys} Fort William & Mary from the 25th 1753 to ye 25th March 1754, Two hundred & fifty pounds new Ten^{r} to be in full for wages & billeting & all other allowances during said Term & that the money be drawn quarterly out of the Treasury by his Excellency the Governor's warrant. Sent up by Mr. Wentworth. [Concurred.]

The House adjournd for ten minutes.

Met according to adjournment.

The House adjournd till tomorrow nine o'clock by order of the Speaker.

[P. 361.] Saturday June ye 30th 1753.

Met according to adjournment.

An Act for calling a meeting of the Inhabitants of the Township of Bow and of the Inabitants of the Township of Barrington both in said Province, to be severally held within said Townships Respectively having been read three times,

Voted That it pass to be enacted. Sent up by Mr. Knight.

The House adjourned for ten minutes by order of the Speaker.

The House met according to adjournment.

Mr. Secretary brought down a written message to his Exc^{y} as on file, Recom^{g} the choice of a new agent, & also and addressing his Maj^{ty} for further time for calling in & sinking the Canada Emiss:

Governor's Message.

[Copied from MS. Gov^{rs} Mess. Vol. II. p. 109.]

Mr. Speaker &
Gentlemen of the Assembly—

Mr. Thomlinson who is your present agent, being at Bath for the recovery of his health, where he proposes to remain until the month of November, it will be impossible for him to attend the business of the Province, and he having signified to me, and to the Assembly, that it will be necessary for the Government to appoint a new agent, (1) & at the same time recommends J. Pownall Esqr. as a fit person: the gentleman is an intire stranger to me, and I presume to all in the administration, but as he is Reporter to the Lords of Trade he may be the most suitable person & Mr. Thomlinson mentions that Gentleman to me as a great favorite at that Board, which may render his services to the Province more acceptable than any other.

(1) The communication above referred to, cannot be found.—Ed.

Your public concerns at this juncture demand a person that can always attend on the offices when required. & Mr. Thomlinson's health not permitting him to do that, since Mr. Pownall is an Intire stranger to the Government, I should recommend at least that you joyn him with Mr. Thomlinson to transact your affairs at the Court of Great Britain, wch I am hoping will be agreeable to the House.

By letters I this morning recd from England I conceive there is an absolute necessity for your so doing, & that the House joyn with his Majesty's Council in addressing the King for further time for calling in and sinking your Canada Emissions—which the Secretary will inform you more fully of.

It was my intention to have given you a recess at this busy Season before the above letter came to me, but I now think it necessary to keep you sitting, or to give you but a short adjournment (if you desire it) until these things are finished—Esteeming them quite expedient for the public good.

Council Chamber in Portsmo June 30th 1753. B. WENTWORTH.

Voted That the Honbl Meshech Weare Esq. Matthew Livermore Esq. & Mr. Henry Sherburn be a Comtee of this House to joyn with such as may be appointed by the Honbl Council Immediately to prepare & lay before the Genl Assembly an address to his most Gracious Majesty, Humbly Representing the state and circumstances of the Province with regard to the paper Currency, the great load of Debt contracted in promoting the intended expedition agst Canada, & carying on the late war, How far short the sum repaid by his Majesty falls of what the Province Disbursed to promote the intended Expedition and that it is utterly impossible for the Government to sink the Bills Emitted for that use all at once without involving the Province in certain Ruin, & Humbly praying for further time to call in and sink said Bills.

Sent up by Mr. Page. [Concurred.]

[p. 362.] Mr. Secretary came into the House & adjournd the General Assembly by the Govrs order to Tuesday ye 10th day of July next.

Tuesday July 10th 1753.

A number of the House met, but not sufficient to make a House, nor the Speaker. The Secretary came into the House and by his Excellency's order adjournd the Genl Assembly to three of the clock in the afternoon.

Post Meridiem.

Met according to adjournment.

Mr. Speaker Weare being absent and not able to attend by reason of Indisposition of Body, Mr. Henry Sherburn Junr was chosen Speaker pro Tempore. The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Wednesday July 11th 1753.

Met according to adjournment.

Voted that his Excellency be desired to lay before the House the letters referred unto in his message to the House of the thirtyeth day of June last. Sent up by Mr. Knight.

The Secretary bro't into the House the Petition of Timothy Clements and one of Nathan Kendall, John Goffe & others. (a)

(a) Jour. C. & Ass. July 11, 1753. A petition signed Timothy Clements praying an allowance for measuring and taking a plan of Winnipiseoca Pond read and sent Down to the House of Representatives.

The petition of Jeremiah Coleburne, Nathaniel Kendall and others Praying that a road near Amoskeag falls as ordered by the Qr. Sessions may be confirmed &c. read and ordered to be sent down to the House of Representatives.

[p. 363.] The Secretary came into the House & in answer to the message of this House to his Excellency this day said That his Excellency said he tho't it would be dishonorable to the Board of Trade to lay their letter before the House, that sundry of the members had seen it, and yt he made no doubt but that others of ym might see it in a private capacity.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment

It being put to vote whether the House would join any other person with Mr. Thomlinson to transact the affairs of this Province at the Court of Great Britain, it passed in the Negative.

Voted That the muster Roll of Major Thos. Davis be allowd amounting to the sum of Ten pounds eight shillings and three pence New Tenr and paid out of the money in the Treasury to the sd Major Davis, and yt he be accountable to the Respective Persons. Sent up by Mr. Lovewell.

[p. 364.] Voted That the additional muster Roll of Capt. Jonathan Snow for Billeting amounting to the sum of fifty four Pounds eight shillings and nine pence New Tenr be allowd and paid unto the sd Snow or his order out of the money in the Treasury. Sent up by Mr. Lovewell.

The Committee appointed to tell over and Receive the Tax money to be burnt making Report that they had rec'd of Geo. Jaffrey Esq. Treasurer Five Thousand four hundred and seventy-five Pounds two shillings old Tenr and burnt it in the face of the Genl Assembly, Voted yt the sd Report be receiv'd and accepted.

The Secretary came into the House & said he was directed by his Excellency to adjourn the Genl Assembly till Tuesday ye 24th day of July Inst. ten of the clock in ye forenoon and accordingly adjournd the same.

Tuesday July 24th 1753

Met according to adjournment.

The Committee for selling the Excise laying before the House their account for selling the same amounting to the sum of Eight Pounds four shillings and four pence half penny New Tenor,

Voted That the same be allowed and paid unto the sd Committee [p. 365.] out of the money in the Treasury put in as Excise money. Sent up by Major Davis. [Concurred.]

The House adjourn'd till to morrow morning nine o'clock by order of the Speaker.

Wednesday July 25th 1753.

Met according to adjournment.

Voted That there be allowed and paid out of the money in the Treasury unto Israel Pierce or order the sum of Three Pounds ten shillings new Tenor in full for his guarding at Rochester in the year 1748 under Capt. Job Clements, as a listed soldier two months, nothing having been allowed him in the muster Roll already made up, excepting two Pounds new Tenor advance wages.

Sent up by Capt. Wentworth. [Concurred.]

The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Committee appointed to tell over and receive the Tax money to be burnt, making Report that they had received one thousand two hundred and fifty eight Pounds five shillings and nine pence of old Tenor, ye same was bro't into the House and burnt in the face of the General Assembly.

Voted That the said Report be received and accepted.

[p. 366.] The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

Thursday July 26th 1753.

Met according to adjournment.

Voted That Mr. Henry Sherburn jun, Speaker of the House pro Tempore be and hereby is desired, authorized and Impowerd to sign in behalf of this House the Address of his Majesty's Council and Assembly of this Province unto his most Excellent Majesty and a Duplicate thereof, Voted This day to be presented unto his most Excellent Majesty. And that the Committee already appointed to

correspond with John Thomlinson Esq. agent for this Province at the Court of Great Britain be and hereby are desired to forward the s^d^ Address and to request him the s^d^ John Thomlinson Esq. to present and enforce the same. Sent up by Coll. Gilman, Esqr Philbrick & Mr. Knight. [Concurred.]

Voted That the Committee already appointed to correspond with John Thomlinson Esq. agent for this Province at the Court of Great Britain, be and hereby are desired to write to him the s^d^ John Thomlinson Esq. desiring him still to continue agent for this Province at the s^d^ Court. Sent up by Col. Gilman Esq. Philbrick & Mr. Knight. [Concurred.]

[The following is the Address to his Majesty, above referred to.—Ed.]

[Copied from MS. "Addresses to the King," pp. 89-99.]

Province of N. Hamp^r^ } To the King's most Excellent Majesty.

The Memorial of your Majesty's Council and Assembly of your Majesty's Province of New Hampshire in New England most humbly shews:

That in the year one thousand seven hundred and forty three, your Majesty's Province of New Hampshire had not more than six thousand Pounds new Tenor in Paper Bills then Extant, on the credit of the Government, which sum was emitted by several acts agreeable to your Majesty's Instructions to the Governour of this Province, and conformable to the said acts hath been applyed to the payment of and discharging such debts as arose in supporting this your Majesty's Government and in Executing your Majesty's order and Commission in settling the dividing line between this Government and your Majesty's Government of the Massachusetts Bay. The whole of which sum hath, agreeable to the several Periods fixed in the several Acts for emitting the same, been from time to time duly levyed and burnt to ashes, so that our Public Debt was then comparatively small and no great Difficulty attended the sinking said sum, the last of which was brought into the Treasury in the year one Thousand seven hundred and forty Nine. But so it happened May it please your Majesty, that your Majesty being tired with forbearance, very justly declared War against the French King: His Excellency the Governour of this Province receiving your Royal Comands to put this Province into the best Posture of Defence its circumstances would admit of: Duty and Inclination immediately obliged us to involve ourselves not only in Defending the Frontiers of this your Majesty's Province against the Incursions of the Indian Enemy (to which this Province in time of War is much exposed) but to assist (beyond our proportion and ability) in carrying on an Expedition against your Majesty's Enemys the French settled at Louisbourgh, Neither of which could possibly be effected and carryed into Execution without an Emission of Paper Bills. This and this only was the occasion of our breaking through our Determination & Resolution to have no more Paper Bills on the credit of the Province Extant than what was allowed by your Majesty's Immediate Instructions, and this necessarily occasioned an Emission of paper Bills of Credit to the amount of thirteen thousand Pounds New Tenor in the month of February one thousand and forty four, and by the act by which the same was Emitted, A Tax of thirteen Thousand Pounds new Tenor on the Polls and Estates within this Province was

granted to your Majesty for the Repayment of said sum, in ten equal annual payments, commencing the twenty-fifth day of December one Thousand seven hundred and fifty-one :—That most of this Emission was immediately expended in Levying and Embarking our Troops in the said Louisbourg Expedition, and the seige continuing longer than was expected and having at the same time repeated Informations from the General there, of the Necessity of a Reinforcement of men and of a Supply of Provisions and warlike stores, caused a New Levy of three Companys, the charge of which caused another Emission of six Thousand Pounds new Tenor in Bills of Credit, and for the Repayment thereof A Tax of Six Thousand Pounds new Tenor was granted to your Majesty on the Polls and Estates in this Province to be levyed in six equall Annual Payments, commencing the twenty-fifth day of December one Thousand and seven hundred and Sixty one, soon after which we had the News of the City and Countrys thereabouts being surrendered to your Majesty's arms, and it being absolutely necessary that a sufficient Garrison should be maintained there untill your Majesty's Pleasure could be known thereon, and the Expence having exceeded the Provision there made and the greater part of our men being detained there, made it necessary to emit more Paper Bills, and this was the sole Reason of a third Emission of Paper Bills in the month of October one Thousand and seven hundred and forty-five to the amount of Eight Thousand Pounds New Tenor, and a Tax granted as aforesaid for Repaying the same in four equal annual payments, commencing the Twenty fifth day of December one Thousand seven hundred and sixty three.

That in the Summer of the year one Thousand seven hundred and forty-six His Excellency the Governor of this Province by your Majesty's order Informed us, of your Majesty's gracious Intentions of an Expedition against Canada, your Majesty at the same time directing and ordering the Levying, cloathing and arming as many men as could be got ready and transports equipped to embark them by the time proposed for your Majesty's forces from Europe arriving in America, all which this your Majesty's Province of New Hampshire readily and cheerfully complyd with and obeyd. But then, May it please your Majesty, it was impossible for us to do any thing to purpose in this affair, without a further and larger Emission of paper Bills inasmuch as our former Emissions were all Expended and the Province greatly in debt by the heavy charge of supporting a great number of men to protect, defend and cover our Infant Frontiers :

That to promote the Intended Expedition against Canada the sum of Sixty Thousand Pounds new Tenor Bills of Credit was emitted and that in the Act for Emitting the same no particular Period is fixed for calling in and sinking said Bills, But it is declard in the said Act, That in case the charge & expense this Province should be at in the Prosecution of the s^d^ Expedition against Canada, should be Repaid by your Majesty or out of the Revenues of the Crown, then the money so repaid should be put into the Treasury as a Fund for the immediate calling in and sinking said Bills by exchange with the Possessors thereof or otherways as the General Assembly should order, and in case the sum so repaid should fall short of the sum expended in the s^d^ Expedition that what should be so wanting should be levyed by a Tax on the Polls & Estate of the Inhabitants within this Province in such way and manner as the Genl Assembly should determine at their next session after that matter could be ascertained.

Now we beg leave to inform your Majesty, That notwithstanding your Majesty's gracious Bounty in granting us a Reimbursement of our Expenses occasioned by the Expedition against Louisbourg & such a part as seemed agreeable to your Majesty's wisdom and goodness to grant towards the defraying the charge incurred by the intended expedition against Canada which (we trust) will be handed down to and gratefully remembered (in a most dutiful Behaviour) by our latest Posterity :—Yet, with-

out your Majesty's gracious aid Prevents, our Difficulties are such as we must inevitably sink into Ruin—forasmuch as the remaining charge of the Canada Expedition together with the Heavy expence in Defending the Frontiers of this Province from the Inroads of the Indian Enemy, which our near situation to Canada peculiarly exposes us unto in time of Warr has involved us in a very heavy debt exclusive of the Incidental charges of the Government: We would beg leave further to observe to your Majesty, That with respect to the Intended Expedition against Canada, this Province, considering its situation and other circumstances, was at a much greater expense than any of your Majesty's other Governments:—the men raised here having (besides their Billeting money first given them) their Provision constantly delivered them a great part of the time, The Transports for carrying the Regiment of a Thousand men equipped, victualled and manned, in the constant pay and subsistance of this Government till late in the fall of that year;—all which charges and many others incident to such Expeditions fall intirely upon the Inhabitants of this Province to pay by a tax upon the Polls and Estates within the same; the only way we have of raising money here. May it please your Majesty;—Your Majesty's subjects in this Province are not desirous of large Emissions of paper Bills, nor of Extending them to farther Periods than the situation & circumstances of the Province absolutely require, and far from desiring to postpone the payment of any Paper Bills now out, But willing to sink all at the periods fix'd in the several acts for emitting the same, and doubt not we shall be able to accomplish it, if not prevented in our projected scheme calculated for answering that end,—which, we beg leave to inform your Majesty is to invest the money Your Majesty has been graciously pleased to grant us, on account of the said Expedition, in some of the National Stock (or funds) and y^{t} the Interest may be apply'd annually for a number of years for the sinking of the Bills emitted for and improved towards the intended Expedition against Canada, together with a Tax to be laid on the Polls and Estates on the Inhabitants within this Province So that all our Paper Bills now extant shall be bro't in by the time fixed in the several Acts for emitting the same, and this we hope will meet with your Majesty's gracious favour and approbation, as it fixes our money in England and will enable us not only to call in our Paper Bills, but also put us into a capacity of supporting in a more honorable way the Dignity of this your Majesty's Government, than possibly we can if suddenly prohibited the use of our paper currency, and as we humbly conceive doth not militate with the act of Parliament for Regulating and Restraining Paper Bills of Credit in your Majesty's Colonys or Plantations of Rhode Island &c. made and passed in the twenty fourth year of your Majesty's Reign.

Except this be indulged us by your Majesty we can see no way in Prospect we have of being able to pay our just Debts or to support the Honour and credit of this your Majesty's Governm^{t}. We beg leave further to Inform your Majesty that over and above the sums before mentiond, an Act of Ass^{m} passed here in the month of May last for granting unto your Majesty the sum of Twelve Thousand five hundred Pounds New Tenor to be raised upon the Polls and Estates of the Inhabitants within this Province for Discharging the arrearges due in supporting the Government, Defending the Frontiers in the late Warr and Promoting the Intended Expedition against Canada, many just Demands occasioned by that Expedition having not yet being satisfyed, which sum is by the s^{d} act to be paid into ye Treasury in five equal annual payments commencing the last day of December one thousand seven hundred fifty three:

That we are now Burthened with an annual Tax of three Thousand eight hundred Pounds new Ten^{r}, besides what we must raise for the necessary support of the Governm^{t} in those years, which amounts to double the sum ever rais'd in this Province in any one former year and which by no means

(as we can foresee) can be raisd if our Paper Bills should be immediately calld in and sunk, we having neither silver or gold passing amongst us.

We have, May it please your Majesty, endeavoured to state the facts in a just and true light. Wherefore We most humbly pray that your Majesty will be pleasd to suffer and allow us to put the money granted us by your Majesty on account of the s^d^ Expedition, into some of the public funds or stocks in England and remain there a few years, till by the help of the Interest thereof we shall be enabled to Extricate ourselves from the great difficultys we now labour under. And that as there is no certain time fixed in the Act for emitting the sum of Sixty Thousand Pounds for the Intended Expedition against Canada, when the same shou d be called in and burnt, your Memorialists most humbly pray that your Majesty will be graciously pleased to grant such an Instruction to his Excellency our Governor, as that he may be enabled to pass an Act for raising so much of s^d^ sum by a Tax annually on the Polls and Estates of the Inhabitants of this Province, as shall with the annual Interest of the money granted by your Majesty sink the said sum of Sixty Thousand Pounds by the end of the year one thousand seven hundred and sixty six.

Province of
New Hampshire

In the House of Representatives, July 26th 1753. Voted, That the foregoing Address be presented unto his most Excellent Majesty.

Hen. Sherburn, Speaker
Pro tempore.

[NOTE. The Letter of the Committee to John Thomlinson Esq. cannot now be found; but the following, which appears to be in Mr. Thomlinson's own hand, is his reply to the letter sent.—ED.]

[Copied from MS. Corr. Vol. II. pp. 85–87.]

East Barnet, ye 9th of Octr 1753.

Gentlemen

Last week I received your Favor of ye 1st of August inclosing a vote of your Assembly for continuing me your Agent, and a Memorial; and tho' I had wrote you That it would be of the greatest advantage to the Province, to make Mr. Pownall your agent, and that I should then continue to serve the Province, and every individual in it, to ye utmost of my power, yet you have not done it, and which I am sorry for; and yet, I cannot help looking upon the good opinion your Government seems to express toward me, by this vote, as a great compliment, and you may depend upon it, I will do every thing in my power to serve you; But let me once more say, that For your own sake's I desire that you will appoint this Gentleman whilst I am able to assist him, by acquainting him with all things relating to your Government, which he may not otherwise be so soon made acquainted with. Indeed want of Health was the cause which induced me to make this request, for since July 1752 I have not been able to get to London above eight or nine Times, and then, when it was unavoidable and chiefly on the Business of your Province; and just after I had wrote you in March last, I went to Bath for the Recovery of my health, and there was taken with a fit of sickness, which confined me there until the latter End of June, and for some time, I continued to be given over by my Physicians, Family and Friends, and since my return

to this place I have been recovering Slowly, but am still encoraged by my Physicians to hope, That by my retiring thus from all kinds of Business, and Riding constantly (as I now do) for a Time, will restore me to a good state of health.

I wrote you on ye 3^d of March as fully as I was able, and then told you, that I had purchased for you twenty thousand pounds of three per cent annuitys of 1751, and sent you the cost which was near Twenty one thousand pounds, and that I should lay out the remainder of your money in my hands, in the same annuitys, if it should be cheaper, or on my return from Bath, and desired you to send me a proper power of attorney, to accept it for you in the name of ye Governor, Council & Assembly of New Hampshire, and to receive the Interest thereof, as it should become due, so that I nor any Body else will be able then to meddle with or dispose of it, without a proper power for that purpose from your Governor, Council & Assembly, and untill you do thus, it must stand in my name and be as much at my disposall, or at the disposall of my Executors in case of my Death, as tho' it was my own money. You say you are still at a loss to know how the particular power of attorney must be executed. I think I then told you. But at present, I think, if the Assembly passes a vote to impower your Gentlemen to Execute such a power of attorney as I have directed, and that vote to be authenticated by ye concurrence of the Governor & Council, and the seal of ye Province, and annexed to your power, it will be suficient, and when I shall put the Remainder of your money in ye Same fund, and put it out of mine, or any Bodys power to Touch it, without proper power for so doing, and shall settle with Mr. Paris, who has just now sent me in Large Bills for this long affair of Fort Dummer &c. & send your account perfect, as soon as I am able to get that and some other little affairs settled, and that you may know the state of the Province affairs here with me, I will acquaint you as near as I can in my present situation. That your Ballance in my hands of the Account I had drawn out in order to send you about two years since, after all Fees, charges, Gratuitys &c. and my debts were deducted, was about twenty nine thousand, one hundred Pounds, the particulars of which and Every thing else that I have since done, you shall have as soon as I am able to make out your account. And altho' stocks still continue high, and I have not been able to lay out your other Eight Thousand pounds, in ye same fund with the other, yet that you may not suffer, I have placed it at ye same Interest, and I have received £300 for the half year annuity of y^e £20,000, and your account has credit for the same, as it will always have for all your Interest, as I shall receive it.

As to the Memorial you have sent me, with desire that I will make the proper and best use of it, and you may depend on it I shall, if ever I have occasion to make any use of it, or any part of it: But my present opinion is, That the presenting a memorial to his Majesty is improper at all times, But this memorial would be particularly improper, as it prays for leave to place your money in the Funds, which is already done in effect, and I think from what I wrote the Secretary in one of the Letters I referr'd to in mine to you of ye 3^d of March, That you have nothing to fear on that account, if you remain quiet on that head, and can in all other money affairs conform to the late Act of Parliament for regulating & restraining Paper Bills of Credit, as you must do, by all means, and if y^e £12,500 New Tenor you in May last pass'd an Act for, is contrary to the said Act of Parliament, are you to tell his Majesty that you have done it, when it is not in his Majesty's power to Excusing your Breach of an act of Parliament, or Grant an Instruction to his Governor to act contrary thereto? Therefore to present this Memorial to his Majesty (supposing it was decent at any time to Memorial the King) would (in my opinion) be involving you in such difficultys as may not easily be got over, and raise all your Enemys in judgment against you. Therefore I shall keep it by me

in private; however I am glad to have such a clear State of ye affairs of the Province in my possession, as it may be of great use to me if I should be call'd upon for any thing you have done amiss.

I shall be most heartily glad to have the papers which Mr. Paris and I wrote for, to put an end to the affair of Fort Dummer, as all the application and Interest I have been able to make, has with great difficulty prevented it being heard thus long, and you must know I have not any thing that can enable my council to make a proper Diffence, and if it is brought on before I have proper papers, you may judge what will be the consequence.

There is another affair, tho' it was sent me by Mr. Atkinson as a private Appeal, yet as the Determination thereof may in some measure affect the Province, it may not be improper here to say, that tho' Mr. Paris has so long since wrote for such proofs as he thinks are necessary for the trying that Appeal, yet nothing of that sort is yet come to my hands, I mean that of French against Falansby.

And now Sirs, give me leave once more to recommend to you to cultivate the happy agreement & Harmony which now seems to subsist between the several Branches of the Legislature, and do everything in your power for the benefit and advantage of the Province: And for my part, I shall (as long as it shall please God to enable me) Endeavour to serve you as far as I can, not only while I am continued your Agent, But as long as I live, I shall with ye utmost pleasure, contribute all in my power to forward the prosperity of the Province for which I have so great a value, and can assure you, it is no small proof of my regard for you, that I have undertaken to write you so long a Letter, before I am so far recovered as to be able to engage in writing or meddling with Business of any consequence. However, I am now, and I hope shall always be with great Truth—

Gentlemen, your most humbl. servt.
JOHN THOMLINSON.

To Theodore Atkinson
Richard Wibird
Mr. Speaker Wear
Henry Sherbourn
} Esqs.

The Attorney and Solicitor General's Report, dated Aug. 14th 1752, *relating to certain Townships and Tracts of Land;* laid before his Majesty's Council, Sept. 1, 1753. [See p. 23 of this volume.]

[Copied from Secys office, "Prov. Boundaries."]

New Hampshire—

State of the Case with respect to certain Townships and Tracts of Land granted by the Governments of the Massachusetts Bay and Connecticut in New England, which Townships and Tracts of Land are now Part of the Province of New Hampshire by the Determination of the Boundary Line between that Province and the Province of the Massachusetts Bay in the year 1738.

Disputes having for a long time subsisted between the Provinces of the Massachusetts Bay and New Hampshire with respect to their Boundaries, in 1733 a Petition was presented on Behalf of the Province of New Hampshire praying that Commissioners might be appointed to ascertain the Boundaries—

Upon hearing of both Parties before the Attorney and Solicitor General, the Board of Trade and the Council His Majesty was pleased by his

Order in Council the 9th Febry 1736, to direct that a Commission should be prepared and pass Under the great Seal, authorizing Commissioners to mark out the dividing Line between the Provinces of the Massachusetts Bay and New Hampshire, giving Liberty to either Party therein who thought themselves aggrieved to appeal therefrom to his Majestie in Council. In Pursuance of His Majestys said Commission, Commissioners met and reported their Determination specially, upon which both Provinces appealed to His Majesty in Council, and afterwards their Lordships reported to His Majesty as their Oppinion *that the Northern Boundaries of the Massachusetts Bay are and be a similar curve Line pursuing the Course of Merrimac River at three Miles Distance from the North side thereof beginning at the Atlantic Ocean and ending at a Point due North of a Place in the Plan returned by the said Commissioners called Pautuket Falls, and a straight Line Drawn from thence due West, crossing the said River till it meets with His Majestys other Governments*—and that the rest of the Commissioners said Report of Determination be affirmed by His Majesty. In 1738, His Majesty was Pleased with the advice of his Privy Council to approve of their Lordships Report, and to confirm it accordingly in Consequence whereof the Line has been mark'd out.

In the years 1735 and 1736, while the appeals from both the Massachusets Bay and New Hampshire were depending before his Majesty the General Assembly of the Massachusets Bay granted above thirty Townships between the Rivers Merrimac and Connecticut, which Townships upon the running of the Boundary Line in 1738 fell within the Province of New Hampshire. The conditions of these Grants were that the Grantees should settle the said Townships within 3 years after the date of their respective grants, but this condition has been performed by very few. if by any of the Grantees no obligation to pay Quit Rents or a Reservation of Pine Trees fit for the service and supply of his Majestys Navy, are inserted in any of these Grants altho no Grant ought in good Policy to be made of any Lands in any Part of North America without both these Provisions which have been thought of so much Importance and so absolutely necessary for the publick service that Mr. Wentworth His Majesty Governor of New Hampshire was particularly instructed in the year 1741 never to pass any grant of Lands without enjoining express conditions of cultivation the Reservation of Quit Rents and the Reservation of such Pines as are of size for the use of his Majestys Navy.

There are also about 60,000 Acres of Land situated on the West side of Connecticut River which were purchased by private Persons, from the Government of Connecticut to whom that Land had been laid out, by the Government of the Massachusetts Bay, as an Equivalent for two or three Townships which the Massachusetts Bay purchased from Connecticut Government; This Tract of Land by the Determination of the Boundary Line in 1738 is become a Part of New Hampshire, but the Proprietors of it are subject to no Conditions of Improvement and the Land lies waste and uncultivated.

Question.

Whether the Crown can resume the Lands granted by the Province of the Massachusetts Bay under Condition of Cultivation those Lands being now become a Part of New Hampshire by the running of the Boundary Line in 1738, in Cases where the Proprietors have not performed the conditions of their Grants, and if the Crown can what is the most advisable and regular method of making such Resumtion? Whether in the case of the Lands granted away by the Province of the Massachusetts Bay to particular Persons with out any condition of cultivation, the Crown can now inforce the Proprietors of such Lands to cultivate them or oblige them to take these Lands under new Grants upon the said Lands being made a part of the Province of New Hampshire by the Determination of Boundary

Line in 1738. We are clearly of opinion the Crown may resume the Lands granted on condition of settling within three years where there has in fact been no settlement.

With regard to lands granted by the Massachusetts Bay, without any such express condition where there has been no settlement as they appear now to have been no part of that province their grants are in themselves void as against the Crown; and there appears no ground to support them, but on the foot of the direction which we find to have been given in an order of Council of the 22 of January 1735, when the commission for making the Dividing Line between the two Provinces was first directed, viz: That due care should be taken that private property might not be affected by it: We do not find that this direction was continued either in the order of the 9th of February 1736 on which the present Commission issued, or in the commission itself, or that the commissioners in their report taken notice of any such Private rights, or that they are saved in the final Order of the Council that establishes the Boundary Line. However, considering the manifest intent of these sort of grants whether appearing from the general nature or the particular recitals or considerations of them that the country may be settled and Inhabited, and the Tacit condition attendant on them the Lands should be settled in a reasonable time: We think due care will be taken of the private property arising from these Grants, if His Majesty shall be pleased to give these sort of Proprietors a reasonable time to come in and accept of new grants upon Terms of settling the Lands within a certain time reserving the old Quit Rent and Pines fit for His Majestys Navy; And in case of their not accepting these Terms His Majesty may resume the Lands.

The Proper manner of making such resumption after such default is by making new grants to such as shall be willing to accept them at such Rents and on such Terms as shall be thought most advisable—

Signed D. Ryder,
W. Murray,
14. Aug. 1752.

[p. 367.] The Secretary bro't into the House the Petition of Nicholas Smith.

Upon Reading the Petition of Nicholas Smith Voted That the Petitioner be heard on the sd Petition on the third day of the sitting of the Genl Assembly next after the third day of August next, and that the Petitioner at his own cost serve all partys interested in the lands referr'd unto in the sd Petition with a copy of the sd Petition and of the order thereon, that they may appear and shew cause, if any they have, why the prayer of the Petition should not be granted.

Sent up by Mr. MacMurphy. [Concurred.]

Voted That there be paid unto Mr. William Webb out of the money in the Treasury the sum of forty shillings new Tenor in full for drawing a fair copy of an Address to his Majesty, and a duplicate thereof which he is to draw. Sent up by Deacon Philbrick. [Concurred and assented to by the Governor.]

The House adjournd for the space of five minutes by order of the Speaker. The House met according to adjournment.

[p. 368.] A Bill for enabling the Sessions to grant Taverners, &c. past to be enacted. Sent up by Mr. Wiggens & Mr. Hale. [Concurred.]

The Secretary came into the House and said he was directed by his Excellency to Prorogue the General Assembly of this Province to Tuesday the thirtyeth day of October next, and in his Majestys name Prorogued the same accordingly.

December 11th 1753.

A number of the members met according to his Excellency's Prorogation, namely, Col. Peter Gilman, Eleazer Russell, Esq. Clemt March, Esqr. Thos Bell, Esq. Deacon Joseph Philbrick, Deacn Jona Tuck & Matthew Livermore, and the Secretary came into the House and said he was directed by his Excellency to Prorogue the Genl Assembly to Wednesday the Second day of January next ten of the clock in the forenoon and accordingly in his Majesty's name, Prorogued the same. *Memo*. Richd Jenness Esq. came into the House a few minutes after the Prorogation, but before this Entry was finished. Also Mr. Zebulon Gidding came in soon after.

[p. 369.] Wednesday, January 2d, 1754.

A number of the House met agreeable to Prorogation, viz. Coll. Gillman, Mr. Gidding, Mr. Wiggin, Deacon Tuck, Capt. Jenness, Matthew Livermore, Mr. Knight, Deacon Philbrick, & Mr. Russell, but not sufficient to make a House. And the Secretary came into the House & said he was directed by his Excellency to adjourn the General Assembly to three of the clock in the afternoon, and accordingly adjournd the same.

Post Meridiem.

A number of the members met, viz. Col. Gilman, Mr. Russell, Capt. Jenness, Mr. Tuck, Deacon Philbrick, Mr. Wiggin, Esq. Philbrick, Matthew Livermore, Mr. Gidding, Mr. Knight and Doctor March, met and the Secretary came into the House and said his Excellency desired the House to wait upon his Excellency at the Council Chamber, which was at the dwelling House of the late Coll. Moore, decd. Whereupon the members present waited upon his Excellency at the Council Chamber who made a speech to the Genl Assembly, a copy of which was desired, and deliverd by the Secretary to the members and the Papers referrd to in the Governour's Speech

Here follows the Governour's Speech, Namely:

[p. 370.] *Gentlemen of the Council and of the Assembly.*

The unprovided state of the Government for accommodating the General Assembly in the present Sessions on, renders my attendance extreme-

ly difficult, even in cases that absolutely demand my attention, for which reason I hope you will unite in dispatching the business only that requires your first consideration.

Gentlemen of the Assembly —

As you did not take under your consideration in your last Session his Majesty's Instruction for compiling a New Body of Laws, I think it Proper to inform you, That all Laws hereafter to be Enacted by the Governor, Council and Assembly, are to be past with a suspending clause, and are not to be in force, until they have received the Royal assent, after which they are to become a part of your New Laws.

The great care taken by the Right Hon^le, the Lords Commissioners for trade and Plantations in Pointing out a method for effecting so necessary a work & with so great Ease and Safety to his Majesty's Subjects, I think cannot fail of pressing yon to your Duty in a matter of such importance to the Government. The Secretary will lay before you the Earl of Holderness's letters to me of the 28th of June & 28th of August last. The for-
[p. 371.] mer relates to the Arms & military stores, supposed to be under my care, that were made use of in the intended Expedition against Canada, & as the conducting of all necessaries for the service of that Expedition, was under the management of a Committee of the Council & Assembly I must desire that the same Committee may fully Inform me of the State of the Arms & Military Stores purchased for that Expedition, that I May give a Direct answer to his Lordships letter.

His Lordships letter of the 28th of August shew the great care his Majesty takes of his Dominions in North America, and when any danger threatens them his ministers never fail of giving early Notice thereof that they may provide for their own safety and Defence.

The Execution of the Kings commands signific to me in his Lordships Letter, depends on the aid I am to Receive from the General Assembly, & it will be highly acceptable to his Majesty to shew your Zeal in this service and a readiness to aford a mutual Assistance in this or any other Exigencies of the like nature.

I shall likewise lay before you the right Honble the Lords Commissioners for Trade & Plantations letter to me dated September the 18th wherein their Lordships inform me, That his Majesty having ordered a sum of money to be issued for presents to the six Nations it was the King's pleasure to direct his Governonr of New York to hold an interview with them
[p. 372.] for Delivering these Presents and renewing the Covenant chain with those Nations, at which interview I am likewise commanded to Recommend to the General Assembly of this Province forthwith to make proper provisions for appointing Commissioners on the part of this Government prepared with Presents as usual and to act in conjunction with the Commissioners of his Majesty's other Governments at the interview.

His Majesty's gracious intention at this critical conjuncture Rescuing these Nations out of the French King's Interest, & the superior advantages that must arise to the Province by an alliance with those powerful Indians, which we were never fully interested in before, are irresistible arguments for your immediate compliance with his Majesty's pleasure on this important occasion.

The Honble James Delancey Esq. Lieutenant Governor & Commander in chief of New York having Transmitted to me a Paragraph of the Lords for Trade & Plantations Letter to the Governor of that Province, I shall Direct the Secretary to lay it before you, from which you will observe that Different measures will be taken at this congress from any that have preceded, That it will be more general, and not confined to one particular Colony, but that all his Majesty's Provinces that are present by their Commissioners will be included in one General Treaty; after you have duly weighed how interesting this alliance will be to the Province,

[p. 373.] with how much more safety the New Towns may be settled whereby you will find a surprising increase of Inhabitants, I must not doubt of your making an ample and honourable grant for this service.

The Secretary will be directed to lay before you Coll. Hinsdals letter of 26th of November, the contents whereof in one particular Instance demands an early reply, That I may give the necessary orders relative to the case therein mentioned;—which upon Perusing the Letter, you will be able to judge how necessary it is to be Early in preventing threatening Dangers.

Being apprehensive that if the reports which Prevailed early in the summer, of what is refer'd to in Colonel Hinsdale's letter were true, complaints would be made thereof at the meeting of the Indians at the—— in the fall of the year accordingly I desired the favour of Governor Shirley that his Commissioners might be instructed (upon any complaint of injuries said to be done by the Inhabitants of New Hampshire) to assure the Indians that upon their appointing a Time & Place they should have a full hearing of the Injuries complained of, and satisfaction made according to the nature of the offence, but there being no complaint of any kind whatsoever made at that meeting, I was hoping the rumors which were spread abroad were false untill this letter of Colonel Hinsdale's came to my hand.

You are all sensible, Gentlemen, that the last Period for calling in and [p. 374.] sinking the £25,000 Loan his Majesty was graciously pleased to indulge this Government with, is arrived, by means whereof one half of the Salary settled on me cannot be drawn out of the Treasury after the 12th day of Decembr last, and till you provide a sufficient fund for the payment thereof in some other way that may be more convenient, and I am persuaded you will not fail of making an honourable provision for me when you take it under your consideration.

Gentlemen of the
Council and Assembly.

I have endeavored to charge the present session with as few things as possible, having confined myself principally to his Majesty's commands, by reason of the Inclemency of the season, and other concurring circumstances which render your attendance difficult, intending as soon [as] you dispatch what I have recommended, and do further recommend in the most pressing terms as things essentially tending to your present happiness, and finally will make you a great & flourishing Province, to adjourn you to a more convenient season.

B. Wentworth.

Council Chamber in
Portsmouth, Jany the 2d 1754.

Copy examined pr Theodore Atkinson.

Letters Referred to in the Governor's Message.

[Copied from MS. Corr. Vol. II. p. 81.]

Whitehall 28 June, 1753.

Sir—

I am to acquaint you that [it] is the King's pleasure, that the arms & military stores which were made use of, upon the Intended Expedition against Canada, and which were returned by his Majesty's order, when the Troops were dismissed that service, and are now lying in the Province of New Hampshire and in your care, should be forthwith transmitted

to Govr Shirley at Massachusetts Bay, to be ready for such services as his Majesty shall hereafter be pleased to direct.

I am, Sir, your most obedient humble servant

HOLDERNESSE.

Governor of New Hampshire.

Copy of a letter laid before the House, Jany 2^d 1754, by his Excellency the Govr.

Attest: Matthew Livermore, Clerk of the House of Representatives.

[Copied from MS. Corr. Vol. II. p. 83.]

Whitehall, 28th August, 1753.

Sir—

His Majesty having Received Information of the march of a considerable number of Indians not in alliance with the King, supported by some Regular European Troops, intending as it is apprehended, to commit some Hostilitys on parts of his Majesty's Dominions in America, I have the King's commands to send you this Intelligence and to direct you to use your utmost diligence to learn how far the same may be well grounded and to put you upon your guard, that you may at all Events, be in a condition to resist any Hostile attempt that may be made upon any Parts of his Majesty's Dominions within your Government, and to direct you, in the King's name, that in case the subjects of any foreign Prince or State should presume to make any Incroachment on the limits of his Majesty's Dominions, or to Erect Forts on his Majesty's Lands, or commit any other act of Hostility, you are immediately to represent the Injustice of such Proceedings, and to require them, forthwith, to desist from any such unlawfull undertaking; But if, notwithstanding your Requisition they should still persist, you are then to draw forth the armed force of the Province, and to use your best Endeavours, to Repell force by force. But as it is his Majesty's Determination not to be the aggressor I have the King's commands most strictly to enjoyn you, not to make use of the armed force under your direction, excepting within the undoubted Limits of his Majesty's Dominions.

And whereas it may be greatly conducive to his Majesty's service, that all his Provinces in America should be aiding and assisting each other in case of any Invasion, I have it particularly in charge from his Majesty to acquaint you that it is his Royal will and Pleasure that you should keep up an exact correspondence with all his Majesty's Governors on the continent, and in case you shall be informed, by any of them, of any Hostile attempts, you are Imediately to assemble the General Assembly within your Government, and lay before them the necessity of a mutual assistance and engage them to grant such supply as the Exigency of affairs may require. I have wrote by this conveyance to all his Majesty's Governors to the same purport.

I am, Sir, your most obedient humble serv^t.

HOLDERNESSE.

Governor of New Hampshire.

A Copy of a letter laid before the House, Jany 2^d 1754, by his Excellency the Govr.

Attest— Matthew Livermore
Clerk of the House of Representatives.

[Copied from MS. Corr. Vol. II, p. 89.]

Whitehall, Sept. 18th 1753.

SIR

His Majesty having been pleased to order a sum of money to be issued for Presents to the six Nations of Indians and to direct his Governor of New York to hold an interview with them for delivering those Presents,

for Burying the Hatchet, and for Renewing the Covenant Chain with them, we think it our Duty to acquaint you therewith, and as we find it has been usual upon former occasions, when an Interview has been held with those Indians, for all his Majesty's Colonys whose Interest & security is connected with and depends upon them to join in such Interview, and as the present Disposition of those Indians, and the attempts which have been made to withdraw them from the British Interest appear to us to make a General Interview more particularly necessary at this time, We desire you will lay this matter before the Council and General Assembly of the Province under your Government and recommend to them forthwith to make proper Provision for appointing Commissioners to be joind with those of the other Governments for Renewing the Covenant Chain with the Six Nations, and for making such Presents to them as has been usual upon the like occasions, and we desire that in the choice and Nomination of the Commissioners, you will take care that they are men of character, ability and Integrity, and well acquainted with the Indian affairs.

As to the time and place of meeting it is left with the Governor of New York to fix it and he has orders to give you early notice of it.

We are, Sir, your very loving friends and humble servants

BENNING WENTWORTH, ESQ.
Govr of New Hampshire.

DUNK HALIFAX,
J. GRENVILLE,
DUPPLIN.

Indorsed—"Copy of a letter to Govr Wentworth, from Lords of Trade, Sept. 18th, 1753.
Submitted 2^d Jan. 7, 1754." attest.—Matthew Livermore, Cl

Extract of a letter from the Lords Commissioners of Trade & Plantations.

[Copied from MS. Corr. Vol. II, p. 93.]

"As we find it has been usual upon former occasions when an Interview has been held with the Indians, for the other neighboring Governm^ts in alliance with them to send Commissioners to be joined with those of New York, and as the present wavering Disposition of the Indians equally effect the other Provinces, we have wrote to the Governors of Virginia, Pennsylvania, Maryland, New Hampshire, Massachusetts Bay and New Jersey desiring them to represent to their respective Assemblies the utility & necessity of this measure, and to urge them to make proper provision for it, & therefore it will be necessary that when you have settled the time and place of meeting, you should give them early notice of it, and this leads us to recommend one thing more to your attention, and that is to take care that all the Provinces be (if practicable) compris'd in one general Treaty to be made in his Majesty's name, it appearing to us that the practice of each Province making a seperate Treaty for itself, in its own name is very improper and may be attended with great inconvenience to his Majesty's service."

A copy of an Extract of a letter layd before the House Jany 2^d 1754 by ye Govr.

Attest Matthew Livermore, Clerk of the House of Representatives.

[Copied from MS. Gov^rs Message. p. 119.]

Hinsdale, Nov. 26th 1753.

May it please your Excell^y

In obedience to your Excell^ys commands enjoyning me upon any thing Remarkable occurring in this part of your Excellency's Province to give notice thereof by the first opportunity:

These inform y^t last week Two Indians of the *Fransoway* tribe came into No. 4, alias Charlestown, one of them a Cape Cod Indian taken out of Capt. Gorham's company at Annapolis last war now incorporated with the St. Fransoways:—The other a lad who speaks good English, being kept in the Massachusetts Province last War, and upon ye Peace Returned home.

Upon Capt. Stevens enquiring of them after two Indians vis. Is-battis alias Sabbaday & Prun-so-way alias Teransoway, who went Eastward from Charles Town in their Hunt last Spring & have not returned according to appointment.

They answer—These Indians are supposed dead, for they hear from Indians by the way of Albany, y^t they went into ye English settlements—That the English gave them Rum with poison which destroyed them—That it was said among themselves, it may be the English kill'd them, because one of them stole a Negro from them.

However, they say, *Ten smart* fellows fixed out and were coming down to Revenge their death, but were stay'd by ye old men, who said It may be these reports are not true many times such stories prove false, & if they should prove so, you would do what you will be sorry for. It is best you stay your hand for the year; go to your hunting & visit all the trading-houses East & West in y^t country, where you may find the certainty of the matter.

They inform that there are four sachems or chiefs in the St. Fransoway tribe, whose names as follows viz.

1. An-won-noo-co.
2. Nun-nau-wa-so
3. Toh-qua-so-mit.
4. Paul-per-wa-so-mit.

That ye last mentiond whose name signifie the smallest-overseer or Inspector is up Connecticut river Hunting & purpo-es to come down to Charles Town with ten others Next Christmas or when the Travailing is good on the Ice in Connecticut River.

They inform that the large armament of French and Indians who last went against the *Tweetwa* Indians are returned home, have made peace with the Tweetwas & done some spoil on the Flat-heads, have brought home between 20 & 30 captives & Expect intirely to Extirpate that Nation.

Further that the New Governour of Canada is arrived, that he is very earnest to build a Trading house on the hither end of the Lake called Main-pow-ba-gag (1) which is about half way between Connecticut River (above Coo-os) & St. Fransoway.

That ye French & Indians have held a consultation on this affair almost all last Summer, the Indians who claim the land are loth to consent to it. Inasmuch as they think it will spoil their hunting ground, That they have not as yet determined to build it.

Lastly they say as the Drought & Scarcity last year was very great when Capt. Stevens was in Canada, so this year altho there has been considerable Rain, yet the land produces such a Trifle that there is very great scarcity of all sorts of Provisions.

The above is humbly submitted by your Excellencys most dutifull & obedient serv^t.

EBENEZ. HINSDALE.

Govr. Wentworth.

A copy of a Letter Laid before the House January 2, 1754 by the Governour.

Attest, Matthew Livermore,

Clerk of the House of Representatives.

(1) *Memphremagog?*

[P. 375.] The Secretary came into the house and adjourn'd the General Assembly till tomorrow morning ten of the clock.

Thursday Jany 3^{d} 1754.

The House met according to adjournment. And Mr. Speaker Weare being absent the House made choice of Mr. Eleazer Russell, Esq. for their Speaker pro Tempore, who was thereupon conducted by three of the members to the chair.

Voted That the Clerk of this House take copys of the Papers Delivered by the Secretary with the Copy of his Excellency's Speech and attest them that they may be kept with the files of this House.

The House adjourn'd till 3 of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Voted That Daniel Pierce, Esq. be and hereby is appointed Recorder of Deeds and conveyances of lands for this Province for the space of one year from the fourth day of January 1754 and untill the third day of the next setting of the General Assembly after the Expiration of the s^{d} Term, and that he shall not be qualifyed to act as Recorder afores^{d} untill he has given Bond with sufficient suretys Jointly & severally in the sum of Ten thousand [P. 376.] Pounds unto the Honourable Meshech Weare, Esq. Speaker of the House of Representatives and taken an oath for the faithfull discharge of the s^{d} office, and that the fee for Recording shall be nine pence a page, each page to consist of twenty eight lines, eight words in a line, and three pence for attesting such Record, and its being compared with the original and the same for a copy from the Record and the attestation thereof of its being compared with the Book, and that Richd Wibird, Esq. Daniel Warner, Esq. Eleazer Russell, Esq. Mr. Henry Sherbnrne Junr & Mr. John Knight be a Committee and that they or the major part of them take the Books and papers belonging unto the s^{d} office of Recorder into their custody in case of the Death or incapacity of the s^{d} Recorder or the Expiration of the Term above mentioned, and them safely keep untill further order of the General Assembly; and it is further Voted, That the said Committee or the major part of them take a list of all the Books & papers now belonging unto the s^{d} office & a Receipt for the same from the said Recorder & that they be under oath for the faithfull discharge of their trust, and that a Duplicate of s^{d} Receipt be lodged in the Secretary's office. Sent up ye fourth by Dea. Philbrick. [Concurred and assented to.]

[P. 377.] The House adjourn'd till tomorrow morning nine o'clock by order of the Speaker.

Fryday Jany 4th 1754.

Met according to adjournment. The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Secretary bro't into the House the Petition of Mr. Jonathan Swett. The Petition of Mr. Jonathan Longfellow continued for a hearing till Wednesday next, if the Genl Assembly be then sitting, and if not then sitting, untill the third day of the sitting of the Genl Assembly afterwards.

The Petition of Jon^{a} Lovewell &c. continued as the Petition of Mr. Swett.

Upon Reading the Petition of Benjamin Gilman and others, Voted That the Petitioners have liberty to bring in a Bill to Enable a Committee to divide the Lands and Premises Refer'd unto in the said Petition into a number of Equal Shares to and among the Partys interested and Draw Lots for the Same and make a Plan thereof, and lodge the same in the office of the Register of [p. 378.] the Court of Probate for said Province, & that Lieut. Robt Light, Lieut John Gilman, and Mr. Jonathan Gilman, jun. be a Committee they or the major part of them to do the said Business, and that if need be they have convenient highways, and that the charge of Division be paid by the partys interested.

The House adjourn'd till tomorrow morning 9 of the clock, by order of the Speaker.

Note.—The next eleven pages of the Journal of the House, contain Record-tables of "the attendance of members of the General Assembly begun September 19th 1752, at Portsmouth in New Hampr^{e}."

The names of the members are as follows.—Ed.

Hampton Falls,	Honble Meshech Weare Esq.
Portsm^{o}.	Matthew Livermore,
"	H. Sherburn,
"	Eleazer Russell, Esq.
Dover	Thos Millet, Esq.
"	Maj. Thos Davis,
"	Capt. Jno. Wentworth, 3^{d}.
Hampton	Richard Waldron, Esq. (1)
"	*Jon^{a} Tuck*
"	Dea. Joseph Philbrick
Exeter	Peter Gilman, Esq.
"	Zebulon Gidding.

(1) Richard Waldron resigned, & Jona. Tuck took his place Feb. 14, 1753.—Ed.

New Castle & Rye	Thos Bell, Esq. R. Jenness Esq.
Kingston,	Jedediah Philbrick, Esq.
Newington	John Knight, jun.
Stratham	Corn. Thos. Wiggin
Londonderry	Jno. McMurphy, Esq.
Durham	Joseph Thomas
Greenland	Clemt March, Esq.
New Market	Capt. Israel Gilman
Southampton	Jno. Page, Esq.
Plaistow & Hampstead	Thomas Hale
Salem & Plaistow	Henry Sanders
Dunstable & Merrimack	Jona Lovewell.

[p. 393.] Saturday January 5th 1754.

The House met according to adjournment. Upon Reading the Petition of Jonathan Swett, Voted That the Petitioner be heard on his Petition on Thursday the 17th Instant, if the Genl Assembly be then sitting, and if not, then on the third day of the sitting of the General Assembly next after, and that the Petitioner serve the adverse Party with a copy of the said Petition and of the orders thereon (at his own cost.) to shew cause, if any they have, why the Prayer of the Petition should not be granted.

The Petition of Benjamin Gilman &c. and of Mr. Jonathan Swett with the votes thereon sent up by Deacon Tuck.

Voted That Mr. Speaker Weare, Mr. Henry Sherburn junr. and Matthew Livermore be a Committee of this House to draw an answer to his Excellency's Speech & present the same to the House as soon as may be for their approbation

The Secretary bro't into the House the Petition of Mr. Richard Hazzen.

Upon reading the Petition of Mr. Hazzen, Voted That the Petionr be heard on sd Petition on the 22d day of January Inst. if the General Assembly be then sitting, and if not, then on the —— day of the sitting of the General Assembly next after, and that the Petitioner at his own cost serve the adverse party with a [p. 394.] copy of sd Petition and of the order thereon to shew cause if any they have why the Prayer of the Petition should not be granted. Sent up by Mr. Hale.

The House adjourn'd till three of the clock afternoon by order of the Speaker.

Post Meridiem.

The House adjourn'd till tomorrow morning nine of the clock by order of the Speaker.

Tuesday January 8th 1754.

The House met according to adjournment. Voted, That Mr. Speaker Weare & Matthew Livermore be a Committee of this House to join such as shall be appointed by the Honble Council to consider of that part of his Excellency's Speech relating to a new Body of Laws and what is Necessary to be done Relative thereto & make Report thereof to the General Assembly as soon as may be. Sent up by Esq. Macmurphy. [Concurred.]

Voted, That the account of Mr. Hunking Wentworth, amounting to £3 : 16 : 3 New Tenor be allowed. Sent up by Mr. Sanders Mar. 4th 1754.

Voted That Clement March, Esq. be a Committee of this House to join with such as shall be appointed by the Council to consider what is necessary to be done Relating to that part of his Excellency's speech concerning an Interview with the Six Nations & make Report immediately. Sent up by Mr. Thomas. [Concurred.]

The House adjourn'd till 3 of the clock in the afternoon by order of the Speaker.

[p. 395.] Post Meridiem.

Met according to adjournment.

The Secretary brought into the House the Petition of Abraham Perkins.

The Vote relating to the Interview with the Six Nations, sent up by Mr. Thomas.

Voted That his Excellency be desired to order and Direct some proper Person or Persons to make Inquiry about the two missing Indians refer'd to in the letter from Col. Hinsdall to his Excellency & make report thereof to his Excellency as soon as may be. Sent up the 9th by Mr. Knight. [Concurred.]

Upon Reading the Petition of Abraham Perkins,

Voted, That he be & hereby is allowed to keep a Tavern in Epping in sd Province untill the General Sessions of the Peace in September next & that in order to Qualify him therefor he Recognise for his good behavior as a Tavern keeper before Daniel Pierce, Esq. one of his Majesty's Justices of the Peace for said Province, which Recognizance the said Justice is hereby Directed to lodge with the Clerk of the General Sessions of the Peace for sd Province. Sent up the 9th by Mr. Knight. [Concurred.]

Voted That John MacMurphy Esq. be a Committee of this House to join with such as shall be appointed by the Council to wait upon the Treasurer & enquire of him what moneys he has Received of the Collectors of Excise appointed by the last Excise Act & make Report thereof to the General Assembly immediately. Sent up the 9th by Mr. Knight.

Whereas one William Randall now residing at Portsmouth in the Province of New Hampshire, mariner, on the 8th day of January 1754 at Portsmo in sd Province did in the Face of the House

of Representatives for s^d Province Damn the General Assembly meaning the General Assembly of said Province & thereby is Guil-
[p. 396.] ty of a great misdemeanor, therefore Voted, That the s^d William be committed to his Majesty's Goal in Portsmouth in s^d Province untill further order of the House of Representatives or until he shall thence be delivered by due course of Law. Mittimus Issued by the Speaker according to vote.

The House adjourn'd till tomorrow morning at 9 of the clock.

Wednesday January the 9th 1754.

Met according to adjournment.

William Randall who was yesterday committed for offering an affront to the house being bro't into the House acknowledged that he was out of the way in behaving towards the house in the manner that he did, and said he was sorry for it & said he would do so no more & asked the forgiveness of the house for the affront to them by him given: It is Ordered that the said William upon his knees in the face of the House ask pardon for the said affront and pay the Fees of the Constable, Prison fees and Door keepers fees and stand committed till performed & it is further Ordered That he be Reprimanded by the Speaker Pro Tempore of this House.

The Secretary bro't into the House the Petition of Ebenezer Spaldin & others (a)

(a) "Praying to be excused from paying Taxes to Londonderry & be ordered to Pay to Nottingham West." Jour. C. & Ass. Jan. 9, 1754.

Upon Reading the Petition of Ebenezer Spaldin & others, Voted that the Petitioners be Heard on the said Petition on the third day of the sitting of the General Assembly next after the 1st day of March next, & that the Petitioners at their own cost serve the Select men of London Derry with a copy of s^d Petition & of the order thereon, That they may shew cause if any they have why the Prayer of the Petition should not be granted. Sent up by Mr. Knight.

The House adjourn'd for ten minutes.

Met according to adjournment.

[p. 397.] The house adjourn'd till 3 of the clock in the afternoon.

Post Meridiem.

Met according to adjournment.

The consideration of the petition of Joseph Blanchard Esq. & Mr. Jonathan Lovell defer'd till Wednesday next.

An Act for Dividing a certain part of the Estate of Samuel

Thing Esq. late of Exeter in the Province of New Hampshire, having been Read three times, Voted That it pass to be Enacted. Sent up by Capt. Wentworth and Deacon Tuck.

Voted, That there be paid unto the Recorder of Deeds for this Province over and above what is allowed him by the last vote for the appointment of a Recorder the sum of three pence for every attestation & three pence every Page. Sent up the 10 by Mr. Knight.

John Macmurphy Esq. Desires his protest may be Entered against the above Vote & every part thereof which is accordingly done.

Voted That Richard Jenness Esq. & Mr. John Knight be a Committee of this House to join with such as shall be appointed by the Honourable Council to farm out the Excise upon Liquors within this Province to the Highest Bidder for the space of one year from the first day of January 1754 inclusively. Sent up the 10 by Mr. Knight. [Concurred.]

The House adjourn'd till 9 of the clock tomorrow morning.

Thursday January 10 1754.

Met according to adjournment.

A question being moved upon that Paragraph of the Act for granting unto his Majesty an Excise on several Liquors made in the fifth year of his Majesty's Reign, concerning persons selling in lesser Quantitys than Twenty-five Gallons to be delivered at one [p. 398.] time without License, to wit, Whether an appeal Lay from a sentence given by a Justice of the Peace against a Respondent to the Court of General Sessions of the Peace: Resolved in the affirmative, That an Appeal does lay in such case and that the said Act is so to be understood & Practised upon, any usage or custom to the contrary notwithstanding.

Sent up by Mr. Tuck. [Concurred.]

Alexander Macmurphy one of the Selectmen of Derry-field came into the House & desired they would Revive the consideration of a certain Petition now lying at the Council Board not finished heretofore, put into the General Assembly by the Select men of Derryfield concerning an Highway near Ammoskeg falls.

The House adjourn'd till three of the clock in ye afternoon.

Post Meridiem

Met according to adjournment

The House adjourned till tomorrow morning 9 of the clock.

Fryday, Jany 11 1754.

Met according to adjournment. The Secretary brought into the House the Petition of Luke Mills & others. Also the Petition of Mark Hunking Wentworth Esq. and others, Executors.

Daniel Warner, Esq. brought into the house the Petition of the Select men of Derry field & said there was nothing done upon it & that the Council thought what was done by the Sessions should stand, but if the house thought proper to send any other Committee they would join.

Voted That the said Petition of the Selectmen of Derry field be dismissed.

The House adjourn'd till 3 of the clock in the afternoon.

Post Meridiem.

Met according to adjournment.

Voted That the following be sent to his Excellency as an answer to his Excellency's speech made the second Instant, to wit:

May it please your Excellency—

[P. 399.] The House have taken under consideration your Excellency's Speech to them made & delivered the second day of Jany 1754, and are not insensible of the Difficultys to each Branch of the General Assembly Occasioned by the want of a proper House for the General Assembly to sit in But as that matter has been under the consideration of a Committee, the Report of whom the House has not had opportunity duly to weigh & consider, The House are determined as soon as possible with conveniency to take care there be such an house built.

And as the compiling of a new body of Laws (which this House are of the opinion would be of vast Benefit & advantage to his Majesty's subjects of this Province) will be attended with great expense & take up much Time for the Effecting thereof the House have made choice of a Committee to joyn such as & shall be appointed by the Council to consider of that matter & what is necessary to be done Relative thereto & make Report thereof as soon as may be, which Report when made shall have the due Attention of this House.

As to that part of your Excellency's Speech relating to the arms & military stores therein refered to, the House will take the same under consideration & act thereon agreeable to the best light they can get concerning that matter & do further assure your Excellency that we shall always be ready according to the utmost of our Power and Ability to do every thing for our own Safety & Defence & to Assist any other of his Majesty's Neigbouring Governments against the common Enemy as Necessity shall require. We are likewise sensible of the great advantage which will naturally Result to this Government as well as to his Majesty's other neigh-
[P. 400.] bouring Governments from an Alliance with the Six Nations & shall not be wanting in doing every thing that may be thought reasonable for us to do for the Effecting & bringing about such an Alliance.

The House have taken under consideration the letter from Colonel Hinsdall to your Excellency & have passed a vote Desiring & do hereby Desire your Excellency to appoint some proper person or Persons to make Inquiry concerning the two missing Indians, in the letter mentioned.

We shall also take under consideration That part of your Excellency's Speech relating to that part of your Excellency's salary which accrued from the twenty-five thousand Pounds Loan & shall act thereon as we hope justly & Hon^{bly}

In fine, we shall Endeavour to Dispatch every thing recommended in your Excellency's speech in such a way & manner as we trust, under Divine Providence, will tend to the present happiness of this Government & finally make us a great & flourishing Province.

Province of New Hamp^{r}. } In the House of Representatives Jany 11th 1754, Voted that the above be sent to his Excellency as an answer to his Excellencys Speech made to the House, Jany the 2^{d}, 1754.

The House adjourn'd till tomorrow morning 9 of the clock.

[p. 491.] Saturday Jany 12, 1754.

Met according to adjournment. Voted That Clement March, Jedediah Philbrick and John Page Esq. be a committee to wait upon his Excellency with the answer of his Excelleney's Speech.

The Secretary bro't into the house the Petition of Bow Selectmen.

Upon reading the Petition of the Selectmen of Bow, Voted That the Petitioners be heard on the s^{d} Petition on the thirty-first day of January Instant, if the General Assembly be then sitting, if not then on the third day of the sitting of the General Assembly next after the first day of February next and that the Petitioners at their own cost serve Moses Levet Esq. Clerk of the Proprietors of Bow with a copy of s^{d} Petition & of the orders thereon that the s^{d} Proprietors of Bow, if they see cause may appear and show cause if any they have why the Prayer of the Petition should not be granted. Sent up by Deacon Philbrick. [Concurred.]

The House adjournd till Monday next 3 of the clock in the afternoon by order of the Speaker.

Monday January the 14, 1754.

Met according to adjournment.

The House adjourn'd till tomorrow morning ten of the clock.

Tuesday Jany 15th 1754.

Met according to adjournment. The^{d} House adjournd till 3 of the clock in the afternoon.

Post Meridiem.

Met according to adjournment. The House adjournd till tomorrow morn^{g} 9 of the clock

Wednesday Jany 16th 1754.

Met according to adjournment.

The Secretary came into the House & made a motion relating [p. 402.] to the counter part of the Mortgages lying in the hands of the Recorder & said that many of the Borrowers refused to pay their Interest & Principal except they could have them delivered up & that he expects they would protest against the Committee & that the House would take it under consideration & do something thereon.

The Petition of Mr. Lovewell &c. put off for a hearing till Wednesday next.

The House adjournd for ten minutes.

Met according to adjournment. The House adjourned till 3 of the clock in the afternoon.

Post Meridiem.

Met according to adjournment. The Act for reviving the Temporary Probate act being read a third time, Voted That it pass to be enacted. Sent up by Capt. Gilman.

Voted That Mr. Speaker Weare be and hereby is appointed a Commissioner on the part of this house to be joined with such person as shall be appointed by the Honble Council to Represent this Province at the intended Interview with the six Nations of Indians to act in conjunction with the Commissioners of his Majesty's other Governments at the s^d Interview.(a)

And that the s^d Commissioners be allowed the sum of fifty shillings new Tenor each for each day they shall be upon the aforesaid business and service, the same to be in full for all cost & charge of this Province to the s^d Commissioners for the service afores^d. And that the said Commissioners draw out of the Treasury the sum of one hundred & twenty five pounds new Tenor before their setting out upon the said Business. Sent up by Capt. Gilman.

(a) Jour. C. & Ass. Jan. 26. 1754. The Sec^y was sent by the Council to the House with the vote of the house appointing Commissioners to attend the interview with the six Nations, recommending some alterations in the said vote.

The House adjourn'd till tomorrow morning 9 of the clock.

[p. 403.] Thursday, January 17, 1754.

Met according to adjournment.

Whereas the Secretary came into the house on the sixteenth Instant & made a motion relating to the counter part of the Mortgages lying in the hands of the Recorder and said that many of the Borrowers refused to pay their Interest and Principal except

they could have them delivered up, Wherefore Voted, That when any person shall pay the full of the Principal and Interest upon any Mortgages made unto the Trustees for letting out the twenty-five thousand Pounds Loan that there be an Indorsement thereof made on the Back of the Counter part that lyeth with the Recorder & that there be an Endorsement made of the payment of the principal & Interest on the Counter part of all such Mortgages as are already paid and taken up by the Mortgagers—The House not thinking it proper that the counter parts should be delivered up as they were put into the Recorder's office by the act for Emitting the sum of Twenty-five Thousand Pounds Loan. Sent up by Mr. Hale. [Concurred.]

Voted that there be paid unto Mr. Timothy Clements the sum of Twenty pounds new Tenor out of that part of the Interest of the twenty five thousand pounds Loan appropriated for cutting Roads, imploying proper persons to search out and take Plans, in full for his surveying and taking a Plan of Winnepissiokee Pond. Sent up 18th by Mr. Hale. [Concurred.]

The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment. The House adjourn'd till tomorrow morning 9 of the clock.

[p. 404.] Friday, Jany the 18, 1754.

Met according to adjournment.

Upon reading the Petition of Jonathan Swett Voted that the Petitioner have liberty to bring in a Bill to enable the Superr Court of Judicature of this Province to proceed upon the writ of Review abated & Referred to in the sd Petition, the abatement thereof notwithstanding, and to stay the Proceedings upon any action depending upon the Judgmt Review'd, untill the tryal upon the Review is over. Sent up by Mr. Hale.

The House adjourn'd for 3-4 of an hour.

Met according to adjournment. Jedediah Philbrick, Esq. pursuant to a vote of this House pass'd ye 9th of May 1753, bro't into this House the Recorder's Bonds, viz. for the year 1745, 1746 & 1747, and also a Key which he rec'd of the Executors of the Testament of the Honble Ebenr Stevens, Esq. dec'd, and delivered the same unto Mr. Speaker Weare in the House.

The House adjournd for the space of five minutes by order of the Speaker.

Met according to adjournment.

The act for the better Repairing of High ways &c. having been read three times, Voted, That it pass to be enacted. Sent up by Messrs Macnurphy and Thomas.

The House adjourned till 3 of the clock in the afternoon.

Post Meridiem.

Met according to adjournment. Capt. Wibird bro't into the House from the Council the Petition of a Committee of Summersworth, also of the Inhabitants of the westerly part of Dover.

An act to enable Proprietors of common and undivided Lands &c. being read three times Voted That it pass to be enacted. Sent up by Esqr Page and Deacon Philbrick.

[p. 405.] Upon reading the Petition of sundry of the westerly part of Dover, Voted That the Petitioners be heard on the s^{d} Petition on Wednesday the thirteenth day of February next, if the General Assembly be then sitting, and if not, then on the third day of the sitting of the Genl. Assembly next after, and that the Petitioners at their own cost serve the Selectmen of Dover in s^{d} Province with a copy of this Petition and of the orders thereon that they may appear and shew cause, if any they have, why the Prayer of the Petition should not be granted. Sent up, 19, by Mr. Knight.

Upon reading the Petition of the Committee of Summersworth (a) Voted, That the Petitioners be heard on the said Petition upon

(a) "Praying to be made into a Town." Jour. C. & Ass.

Wednesday the thirteenth day of February next, if the Genl Assembly be then sitting, and if not, then on the third day of the sitting of the Genl Assembly next after, and that the Petitioners at their own cost serve the Selectmen of Dover in s^{d} Province with a copy of the s^{d} Petition and of the orders thereon, that they may appear and shew cause if any they have why the Prayer of the Petition should not be granted. Sent up by Mr. Knight.

Daniel Pierce, Esq. came into the House and gave Bond for duly executing the Business of Recorder and was sworn unto the faithful Discharge thereof by Meshech Weare Esq. in the House of Representatives and the Speaker took the Bond.

The House adjourn'd till tomorrow morning 9 of the clock.

Saturday Jany 19th 1754.

Met according to adjournment

The two Petitions above mentioned sent up by Mr. Knight.

[p. 406.] Voted That the following (named) members of the House of Representatives be allowed in their next Certificate, for their Travil and attendance between the Prorogation of the Genl Assembly on ye 26th of July 1753, and the second day of January 1754, viz. The Honble M. Weare Esq. one day, Matthew Livermore one day, Eleazer Russell, Esq. one day, Maj^{r} Davis two days, Capt. Wentworth two days, Coll. Gilman one day, Mr. Gidding two days, Deacon Tuck one day, Deacon Philbrick one day, Thos Bell, Esq. two days, Richd Jenness Esq. two days Jedediah

Philbrick Esq. one days travil and attendance and one day's attendance, Mr. Thomas Wiggen one day, John McMurphy Esq. one day Clem^{t} March, Esq. two days, Mr. Joseph Thomas one day, Capt. Israel Gilman three days, John Page Esq. two days, Thomas Hale one day.

The House adjourn'd till Monday next three of the clock afternoon.

Monday Jany 21st 1754.

A number of the members met, but not the Speaker nor eno' to make a House. The Secretary came into the House and adjournd the Genl Assembly till tomorrow morning nine of the clock.

Tuesday Jany 22^{d} 1754.

[p. 407.] A number of the House met, but not the Speaker, nor enough to chuse one. The Secretary came into the House and adjournd the Genl Assembly till three of the clock in the afternoon.

Post Meridiem

Met [and adjourned till Wednesday, January 23^{d} 1754, and again, till 3 o'clock, P. M.]

Upon reading the Petition of Joseph Blanchard, Esq. and Mr. Jonathan Lovewell, it appearing that Notification had been given pursuant to vote and no person or Persons appearing to make objection thereto and the Prayer of the Petition being reasonable, Voted, That the Petitioners have liberty to bring in a Bill accordingly. Sent up by Mr. Lovewell the 24th.

The House adjourned till tomorrow morning nine of the clock.

[p. 408.] Thursday January 24th 1754.

Met according to adjournment. The Secretary bro't into the House the Petition of Joseph Butler (a)

(a) "Praying to be set off from Londonderry and Put on to Pelham." Jour. of C. & Ass.

Voted That all the absent members be immediately sent for to give their attendance the first of next week and that the clerk give them notice thereof in writing as soon as conveniently may be.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment. The House adjournd till tomorrow morning 9 of the clock by order of the Speaker.

Fryday Jany 25th 1754.

Met according to adjournment. Voted That there be allowed and paid out of the money in the Treasury unto Ephraim Lock the sum of three Pounds one shilling new Tenor for his service as a soldier one month and three days at Barrington in the Province of New Hampshire under Capt. Job Clements in the summer of year 1749. Sent up by Mr. Knight. [Concurred.]

The House adjourned for the space of ten minutes.

Met according to adjournment.

[P. 409.] Voted That there be allowed and paid unto Edmund Brown out of the Interest of the twenty-five thousand Pounds Loan appropriated for the Repairs of the Prison, the sum of seven pounds five shillings new Tenor in full for his accompt for work and Repairs on the Prison dated Jany 24th 1754. Sent up by Messrs. Philbricks. [Concurred.]

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment. The Lumber Act having been read three times, Voted that it pass to be enacted. Sent up 26th by Messrs Philbricks. Mr. Gidding, Mr. Jenness, Esq. Philbrick and Mr. Thomas desired their dissent might be entered against the passing of the afores^{d} act.

The House adjourned till tomorrow morning nine of the clock.

Saturday January 26th 1754.

Met according to adjournment. The Small Pox act having been read three times, Voted That it pass to be enacted. Sent up by Messrs Philbricks.

The Secretary bro't into the House the High way act and s^{d} the [P. 410.] Council had passd it, but that the Govr did not see thro' sundry paragraphs in it, but would pass it if it were for two years.

He also bro't into the House the vote of this House for the appointment of Commissioners for the intended Interview with the Six Nations and said the Council did not like it for that they tho't the Provision therein made was not a proper provision, neither as the case might happen, would be sufficient for the charge and expenses the Commissioners might necessarily be at, and further that the Council did not like it as it confined the Commissioners to the number of two only, and it might happen that one of them might not be able to attend the business, and upon the whole they tho't if this Province send Commissioners that the charge should be a Provincial charge and the Treasurer authorized to

supply them out of the Treasury with what might be needful.

The House adjourned till three of the clock afternoon Monday next by order of the Speaker.

Monday Jany 28th 1754.

A number of the House met but not the Speaker nor sufficient to make a house. The Secretary came into the House and adjourn'd the Genl Assembly till tomorrow morning ten of the clock.

[p. 411.] Tuesday January 29th 1754.

Met according to adjournment. The Highway Act sent up by Mr. MacMurphy with the alteration mentioned by the Secretary in his message Saturday last.

Upon reading the Petition of Joseph Butler, Voted That the Petitioners be heard on the said Petition on the third day of the sitting of the Genl Assembly next after the first day of March next, and that the Petitioner at his own cost serve the Selectmen of Londonderry with a copy of said Petition and orders thereon, and also the Selectmen of Pelham with a copy thereof, to appear and shew cause if any they have why the prayer of the Petition should not be granted. Sent up by Dea. Philbrick.

The House adjournd for ten minutes.

Met according to adjournment. The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment. The Act for enabling Mr. Jon^{a} Sweet to prosecute a suit of Review against Mr. Joseph *Mane?* and wife being read a third time, Voted That it pass to be enacted. Sent up by Capt. Gilman.

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

[p. 412.] Wednesday January 30th 1754.

Met according to adjournment.

The Committee for telling the money in the Treasury to be burnt bro't into the House the sum of one thousand one hundred and eighty two Pounds twelve shillings and six pence old Ten^{r} Bills of Credit on this Province which was burnt to ashes in the face of the Genl Assembly and the s^{d} Committee are discharged of s^{d} sum.

The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment. The Committee for telling the money in the Treasury to be burnt bro't into the House the sum of five hundred and six Pounds fifteen shillings old Ten^{r} which was burnt to ashes in the face of the Genl Assembly and the s^{d} Committee are discharg'd from s^{d} sum.

Voted, That Mr Speaker Weare be and hereby is appointed a Commissioner on the part of this House to be joyned with such person as shall be appointed by the Honble the Council to represent this Province at the intended Interview with the Six Nations of Indians to act in conjunction with the Commissioners of his Majesty's other Governments, at the said Interview: And that the s^{d} Commissioners be allow'd the sum of three Pounds new Ten^{r} each for each day they shall be upon the afores^{d} Business and service [p. 413.] for themselves and servants, horses and all other Expences except what extraordinary charges and Expences they may be at when at the Interview, to be at the charge of the Province And that the said Commissioners be and hereby are authorized and Impowered to make such Present or Presents to the Indians afores^{d} at the said Interview as they shall judge necessary and Expedient not exceeding two hundred and fifty pounds new Ten^{r}. And that the said Commissioners draw out of the Treasury not exceeding the sum of five hundred Pounds new Ten^{r} before their setting out upon the s^{d} Business, and that the s^{d} Commissioners render an account of the Disbursements of the money they shall receive out of the Treasury for the afores^{d} Business, and also lay before the Genl Assembly the whole account of their Proceedings relating to the said Interview. Sent up Feby 1st 1754, by Mr. Knight.

The House adjourn'd till tomorrow morning nine of the clock by order of the Speaker.

Thursday Jany 31st 1754.

Met according to adjournment. Matthew Livermore desires that his dissent may be entred against the vote past yesterday relating to the Interview intended with the Six Nations, and to as- [p. 414.] sign his Reasons for his dissent, which was allowed,—his Reasons are as follows: viz. First, That he is of opinion that there is not a sufficient number of Commissioners to be appointed by the said vote for the s^{d} Business. 2dly For that he thinks there is not proper provision made by s^{d} vote to carry the matter therein proposed to be done into execution.

Voted That his Excellency be and hereby is desired to direct the Treasurer to lay his accounts before the House in order for their Examination, that they may be informed of the State of the

Treasury for their government and direction in making a proper and suitable provision for the supply thereof for the discharging the public debts. Sent up by Mr. Knight.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

Met according to adjournment. The Act for taxing Dunstable lands read a third time and Voted That it pass to be enacted. Sent up by Esq. Philbrick. [Concurred.]

Whereas there is a Necessity of Revising the Laws of this Province and compiling a new Body thereof, which if done would be of great Benefit and advantage to the Province, Therefore vot- [p. 415.] ed that the Honble Meshech Weare Esq. Coll. Peter Gilman, Mr. Henry Sherburne jun. & Matthew Livermore be a Committee of this House to joyn with two such persons as the Honourable the Council shall appoint to Revise and Compile a New Body of Laws for this Province and that William Parker Esq. be the clerk of said Committee. And that the said Committee from time to time lay such acts as they shall prepare (in consequence of this vote) before the General Assembly as the said Committee shall judge Expedient and as opportunity shall offer for the examination of the General Assembly. And that the said Committee be supply'd with money out of the Treasury sufficient to purchase such things as shall be by them judged necessary to carry the said affair into Execution & also to defray their Expences and the Expences of the Clerk, while upon the said Business.

And that the said Committee and Clerk be paid for their time and trouble in Revising and Compiling the said Body of Laws by the Province, as shall hereafter be setled and determined by the General Assembly. Sent up by Esq. Philbrick.

[p. 416.] The Committee for telling the money in the Treasu ry to be burnt bro't into the House the Sum of one Thous^d and ninety two Pounds two shillings and six pence old Ten^r Bills of Credit of this Province which was burnt to ashes in the face of the Genl Assembly, and they are discharged from s^d sum.

The House adjourn'd till tomorrow morning nine o'clock, by order of the Speaker.

Fryday February 1st 1754.

Met according to adjournment.

The Vote relating to the appointment of Commissioners for the Interview intended with the Six Nations, sent up this day by Mr. Knight.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Secretary came into the House and said there was a vessel coming into the Harbour last evening who saw a signal on Boon Island, which to them seemed to be a signal of Distress, That the Council had examined some of the Persons who saw the Signal suppos'd it to be a Signal of Persons in Distress, That the Council had talk'd with Mr. Sheaf and Capt. Bell about sending out a vessel to make Inquiry into the circumstances of the affair, But as the Gen[l] Assembly was sitting they tho't it proper to acquaint this [p. 417.] House of it that they might act thereon as they might judge proper.

John Watson and Joshua Small came into the House, gave an account of what they observ'd relating to the above mentioned affair.

Whereas John Watson and Joshua Small have this day Represented to this House that last Evening about sun half an hour high they saw a signal upon Boon Island which they judged to be a signal of Distress : Therefore Voted That Thomas Bell, Esq. be and hereby is authorized and Impowered as soon as wind and weather will permit to dispatch away a proper vessel with a suitble number of hands and necessary Provisions, to make enquiry into the said affair and use their best Endeavors for the Relief of any Person or Persons that may be there in Distress at the charge of the Province, and that if need be, that he be and hereby is authorized & Impower'd to Impress a vessel and hands for that purpose. Sent up by Dr. March. [Concurred.]

Whereas it is Represented to this House That the Rev[d] Mr. Timothy Walker is gone to Great Britain as an agent in behalf of a number of Persons of Rumford and Suncook (1) so called, who claim lands under the Government of the Massachusetts Bay [p. 418.] against others who claim lands under the Gov[r] and Council of New Hamp[r] And whereas the said Timothy Walker may have Instructions from the Government of the Massachusetts Bay to manage the said affair, so as, may affect this Province as such, therefore Voted That the Committee already appointed to treat with John Thomlinson Esq. agent for this Province at the Court of Great Britain relating to the affairs of Fort Dummer, be and hereby are desired to write to the said agent to be upon his watch as to any thing of that sort that may happen and to write to the said Committee from time to time, if anything shall arise, whereby this Government may be affected and what may be necessary to be done by this Government in order to defend themselves in the best manner they can. Sent up by Capt. Gilman. [Concurred & assented to.]

The House adjournd till tomorrow morning nine of the clock by order of the Speaker.

(1) See Bouton's History of Concord, pp. 213-218.

Saturday Feby 2^{d} 1754.

Met according to adjournment.

Whereas there is some difficulty attending the method for se curing the money this Province has in England, and whereas It is probable some Person will soon go to Boston on the affair of Fort Dummer, Therefore, Voted That the Person who shall go on the affair of Fort Dummer, advise with Mr. Prat and Mr. Gridly or [p. 419.] either of them (as he shall Judge most Expedient) and get their or either of their opinion what manner it is best to proceed in to secure said money in England for the Benefit of this Province and that the Expences such person shall be at for the advice afores^{d} be a Province charge.

The Secretary came into the House and said he was directed by his Excellency to adjourn the General Assembly till Tuesday the nineteenth day of February Inst. ten of the clock in the forenoon and accordingly adjourned the same.

Tuesday, Feby 19th 1754.

A few of the members met, but not sufficient to make a house. The Secretary came into the house and said he was directed by his Excellency to adjourn the Genl Assembly till three of the clock in the afternoon and accordingly adjourned the same.

Met [and again adjourned] till tomorrow morning 10 o'clock.

Wednesday Feby 20th 1754.

Met according to adjournment.

Mr. Speaker Weare being absent the House proceeded to the choice of Peter Gilman, Esq. for Speaker pro Tempore.

[p. 420.] The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Mr. Page sent to the Council to enquire if the Act for Reviving the temporary Probate Act, the Lumber Act, Small Pox Act, the Highway Act and the Proprietors Act, were concurred by the Council, and assented to by the Governor.

The Secretary bro't into the House the Petition of David Gregg, John Kyle and others.

Upon reading the Petition of David Gregg, John Kyle and others, Voted, That the Petitioners be heard upon the said Petition on the third day of the sitting of the Genl Assembly next after the first day of April next and that the Petitioners at their own cost serve the Selectmen of Windham with a copy of the s^{d} Petition and of the orders thereon, to shew cause if any they have, why the Prayer of the Petition should not be granted.

Sent up by Mr. Knight.

The House adjourn'd till tomorrow morning nine of the clock by order of the Speaker.

Thursday Feby 21, 1754.

Met according to adjournment.

Voted That the Secretary of this Province be and hereby is desired to procure authenticated Copy's of the Treatys with the Indians called Dummer's Treatys, also a copy of the Treaty with them in the year 1749, 1752 & 1753, at the charge of this Province (1) and that the Treasurer of this Province supply him with money to procure the same. Sent up by Mr. Knight.

Portsm^{o} N. Hamp^{r} March 1, 1754.

S^{r}—I am ordered by vote of Assembly to Procure authenticated Copys of Sundry Treatys with the Indians, viz. That Comonly called Governor Dummer's, that made by the Massachusetts in the year 1752, & one Since in the year 1753. That of 1749 I have already. If you'l be kind enough to forward me the other Three attested & let me know your fees I shall remit it you with thanks. Our Superior Court sets on the 11th Instant where these Copys will be wanting in a trial of two men supposed to be the murderers of Two Indians. I imagine that Prints attested will answer every end. Pray let me have them pr Post.

I am, Sir, your most obedient

Humble serv^{t}. —— —— —— ——

Honble Josiah Willard. (Copy)

[p. 421.] Mr. Knight carryd up to the Council the copy of the Virginia Act relating to the Compiling a new Body of Laws, sometime since sent to ye House by the Governor.

Post Meridiem.

Met according to adjournment. Voted That the hearing of the Petition of Summersworth against Dover be put off till to morrow morning nine of the clock.

Voted That the hearing of the Petition of James Davis, John Tasker &c be put off till to morrow forenoon.

The House adjourned till to morrow morning nine o'clock by order of the Speaker.

Fryday Feby 22^{d} 1754.

Met according to adjournment.

The Secretary brought into the House Sundry Papers—Mr. Light's acct. about taking Bowen & Morrill, an acct. from Mr. Stoodley,—The Virginia Act and vote for compiling ye New Body

(1) See Prov. Papers, Vol. IV. pp. 188-190, 254-256. Also Vol. V. pp. 127, 128, 131-133, —Ed.

of Laws and s^d^ the Govr was of opinion it was best ye s^d^ vote should be reduced to an act. He also bro't the vote for Commissioners &c. for an Interview, and s^d^ the Council found no fault with the sum mentioned for allowance, but they tho't the number of Commissioners not sufficient.

Upon a hearing on ye Petition of Summersworth, Voted That the prayer of the Petition be granted and that the Petitioners have [p. 422.] liberty to bring in a Bill. [Concurred.]

Upon hearing a Petition for a New Parish in Dover, Voted That Mr. Zebulon Gidding and John Macmurphy Esqr. be a Committee of this House to joyn such as shall be appointed by the Honble Council to take a view of such part of Dover as may be necessary in order to Judge whether the Prayer of the Petition ought to be granted or not, and make Report thereof to the Genl Assembly as soon as may be and that the Petition^rs^ be at the cost and charge thereof. [Concurred.]

One of the Selectmen of Bow bringing into the House their Petition and suggesting that there had not been convenient opportunity to serve the clerk of the Proprietors of Bow with a copy of the Petition &c. & praying that ye Petitioners might have a further time appointed to be heard thereon

Voted that there be a hearing y^r^ on upon Fryday next, if ye Genl Assembly be y^n^ setting, if not then on ye 3^d^ day of the sitting of ye Genl Assembly next after.

The House adjourn'd till three of the clock in the afternoon by order of ye Speaker.

Post Meridiem.

The House met according to adjournment. The Speaker being absent and the Speaker Pro Tempore being also absent, Voted y^t^ Clem^t^ March Esq. be Speaker pro Tempore.

The House adjourned for half an Hour by order of the Speaker.

Met according to adjournmen^t^.

The Committee for telling the money in the Treasury to be burnt [p. 423.] bro't into the House the sum of Three hundred and seventy nine Pounds one shilling and six pence old Ten^r^ Bills of Credit on this Province which was burnt to ashes in the face of the Genl Assembly and s^d^ Committee is discharged from s^d^ sum.

The House adjourn'd till to morrow morning nine o'clock by order of the Speaker.

Saturday Feby 23^d^ 1754.

Met according to adjournment. The House adjourned for the space of five minutes. Met according to adjournment.

The Act for the more easy prosecuting writs of Ejectment passed to be Enacted, and sent up by Esqr Macmurphy and Dea. Tuck.

The Committee for telling the money in ye Treasury to be burnt, bro't into the House the sum of fourteen hundred & three pounds ten shillings and three pence old Ten^r^ Bills of Credit on this Province, which was burnt to ashes in the face of the Genl Assembly & said Committee are discharged thereof.

The House adjourn'd till three of the clock in the afternoon on Monday next by order of the Speaker.

Monday Feby 25th 1754.

Met according to adjournment. The Committee for telling the money in the Treasury to be burnt bro't into the House the sum of [p. 424.] Eleven hundred and thirty-seven Pounds three shillings and three pence old Ten^r^ Bills of Credit on ye Province of New Hamp^r^ which was burnt to ashes in the face of the Genl Assembly, and they are discharged therefrom.

The House adjourn'd till tomorrow morning nine of the clock by order of the Speaker.

Tuesday Feby 26th 1754.

Met according to adjournm^t^.

Mr. David Mitchell brought into the House his acct. for going to Boon Island amounting to the sum of fifty eight Pounds one shilling old Ten^r^ and swore unto the truth of^f^ the articles therein charged in the House.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

The Speaker being absent and the last Speaker pro Tempore being also absent, Peter Gilman Esq. chosen Speaker pro Tempore.

Voted That the acct. of David Mitchell amounting to the sum of fifty eight Pounds one shilling old Ten^r^ (for going to Boon Island) be allowed and paid out of the money y^t^ is or shall be in the Treasury. Sent up by Mr. Hale. [Concurred.]

The House adjourn'd till tomorrow morning nine o'clock by ord^r^ of the Speaker.

[p. 425.] Wednesday Feb. 27th 1754.

Met according to adjournment.

The Act in addition to the Act for the appointment of Jurors having been read three times, Voted That it pass to be Enacted. Sent up by Deacon Philbrick & Esq. Philbrick.

Whereas this House on ye ninth day of January 1754, Voted

that Richard Jenness Esq. and Mr. John Knight be a Committee of this House to joyn with such as should be appointed by the Honble the Council to farm out the Excise upon Liquors within this Province to the highest Bidder for the space of one year from the first day of January 1754, inclusively, which vote was sent up to the Honorable the Council, and as the House is informed a number of the Council added to said Committee of the House, and whereas the House is informed that his Excellency hath not assented unto said Vote, And inasmuch as the House is of opinion That the Excise afores^{d} will not be of so great Benefit and advantage to the Governm^{t} if the farming out the same be post poned and put off, as if it was soon done, Besides the House think they cannot with Propriety make Provision for the supply of the Treasury untill it is known what and how much the s^{d} Excise will farm out for, during the said Term of one year— Therefore Voted, That his Excellency [p. 426.] be requested and desired to give his assent unto the said Vote That the Excise afores^{d} may be farm'd out as soon as possible. Sent by Esq. Philbrick & Mr. Knight.

The Committee for telling the money in the Treasury to be burnt bro't into the House the sum of Two thousand two hundred & twenty-six Pounds and six pence old Ten^{r} Bills of Credit on this Province, which was burnt to ashes in the face of the Genl Assembly and the s^{d} Committee are discharg'd from s^{d} sum.

The House adjournd till three of the clock in the afternoon by order of the Speakêr.

Post Meridiem

Met according to adjournm^{t}. The Committee for telling the money in the Treasury to be burnt bro't into the House the sum of six hundred ninety two pounds eighteen shillings old Ten^{r} Bills of Credit on ye Province of New Hamp^{r} which was burnt to ashes in the face of the Genl Assembly and they are discharg'd from s^{d} sum.

The Secretary bro't into the House a written message from his Excellency relating to the settling ye price of silver, &c.

Governor's Message.

[Copied from MS. Gov^{rs} Messages, Vol. II. p. 127.]

Mr. Speaker &
Genl. of the Assembly

Until the price of silver is settled, whereby the Treasurer may pay that part of my salary due 12th Decemb^{r} last, the public accounts cannot be finished, the Com^{tee} appointed for that service having neglected it, it will be necessary for the house to resolve at what price the Treasurer shall pay it at, for his Justification.

When I met you in General Assembly, it was not my intention to have laid before you any other business than what I mentioned in my Speech; but as you have thought fit to engage in business different from my intention, I must once more put you in mind, to provide a proper house &

such other conveniencys as are necessary for my accommodation, for want of which, I have been at an Extraordinary Expense for twelve years past, the grants made by preceding Assemblys having fallen vastly short of what was absolutely necessary for me to expend.

Council Chamber in Portsmouth 26 of Feby 1754 } B. Wentworth.

Whereas it is necessary that the act for the Better Repairing of highways &c. should be printed, Therefore voted That Eleazer Russell Esq. get the said act printed and that he get printed to the number of one hundred for the use of this Government and furnish the Governor with one, each of ye Council with one and [p. 427.] each of the members of the House of Representatives with one, and each Town and Parish within this Province, who choose surveyors of highways with one, and that he be allow'd and paid out of the Treasury the sum of Eight pounds fifteen shillings new Tenr for the same, and that the Secretary furnish him with a copy of said act.

Sent up 28th by Mr. Thomas.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Thursday Feb. 28th 1754.

Met according to adjournment. The Committee for telling the money in the Treasury to be burnt bro't into the House the sum of Eleven hundred and ninety eight Pounds One shilling and three pence Old Tenr, which was burnt to ashes in the face of the Genl Assembly and they are discharged from the Same.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment. The House taking under consideration the vote last past relating to the intended Interview with the six Nations sent back by the Council—The House adhere to their last vote, which was sent back by Mr. Lovewell.

The Secretary came into the House and bro't into the House the vote of this House of ye 9th of Jany last relating to the selling the [p. 428.] Excise and said the Govr observed that the sd vote took no notice of the Committee's taking Bonds of the person to whom it should be sold or of giving any notice of the time or place of sale, and that he tho't it better that there should be Districts made and Collectors in particular Districts than to have it farmed out in ye manner proposed by the aforesd vote.

Whereas by the act for the emitting the sum of twenty-five Thousand Pounds upon Loan There is Provision made by part of the Interest thereof, viz. The sum of two thousand Pounds for building a state House in the town of Portsmouth, which House

is not yet built, and whereas it is necessary there be such an house built for the conveniency of the sitting of the Genl Assembly and the holding the several Courts in this Province, and whereas it is judged that the Parade, so called, by the North meeting-House in Portsmouth afores^{d} is the most suitable and proper place to set the said House upon, Provided the Town of Portsmouth will consent thereunto, Therefore, Voted That it be set at s^{d} place or adjoining thereto as the situation of the Place will best admit of. And that it be built of wood, agreeable to a plan returnd by the Committee appointed to look out for a suitable place to set said House upon [p. 429.] and prepare a plan, Except the cupola, and Mr. Henry Sherburne jun^{r} and Eleaz^{r} Russell Esq. be a Committee of this House to joyn with such as shall be appointed by the Honble the Council to let out the Building of s^{d} House to such person or persons as will build the same in the best manner, and at the cheapest Rate not exceeding the said sum of Two Thousand Pounds And that if it be let out, To draw out of the Treasury the s^{d} sum of Two Thousand Pounds for the use and Business afores^{d}, or so much thereof as shall be necessary. And that they Render an account of their Proceedings Relating to the said affair unto the Genl Assembly from time to time as the circumstances of the case shall be. Sent up March ye 1st by Capt. Wentworth.

The House adjourn'd till tomorrow morning nine o'clock by order of ye Speaker.

Fryday March 1st 1754

Met according to adjournment.

The Lamp act having been three times read, Voted, That it pass to be enacted. Sent up by Mr. Wiggin and Mr. Tuck.

Voted That Richard Jenness Esq. and Mr. John Knight be a Committee of this House to joyn with such as shall be appointed by ye Honble the Council to farm out the Excise upon Liquors within this Province to the highest bidder for the space of one year from the first day of January 1754, Inclusively. And that s^{d} Committee give proper and suitable notice of the time and place of sale and also take Bonds with proper securities of the person to whom s^{d} Excise shall be farmed out, payable unto the Treasurer of s^{d} Province for the time being in manner following, viz. The one [p. 430.] half of s^{d} sum said Excise shall be sold for by the first day of July 1754. The one quarter part thereof by the first day of October, 1754. And the other quarter part thereof by the first day of January 1755, for the use of this Government Sent up by Mr. Knight.

Voted That Clement March Esq. & Mr. Henry Sherburn jun^{r} be a Committee of this House to joyn with such as shall be appointed by the Honble the Council to confer with the owner or owners of the Brick House in Portsmouth in the Province of

New Hamp^{r} wherein his Excellency lately lived, and enquire whether they will put it into Tenantable Repair and upon what Rent or Rents yearly they wou'd be willing to lease it, and for how long time, and that they make Report unto the Genl Assembly Immediately of their doings relating to the premises.

Sent up by Mr. Hale. [Concurred.]

The Committee for telling the money in the Treasury to be burnt Bro't into the House the sum of eight hundred and seventy seven Pounds eleven shillings old Ten^{r} Bills of Credit on this Province which was burnt to ashes in the face of the Genl Assembly and they are discharged from s^{d} sum.

The House adjournd till three o'clock afternoon by order of the Speaker.

[P. 431.] Post Meridiem.

Met according to adjournment.

Voted That for the future no member be allowed for his attendance unless he answer the one part of the day, or be upon some business of the governm^{t} or upon motion made to be allow'd to have his name enterd.

The Committee for telling the money in the Treasury to be burnt bro't into the house the sum of eight hundred and ninety three Pounds eleven shillings and six pence old Ten^{r} Bills of Credit on ye Province of New Hamp^{r} which was burnt to ashes in ye face of the Genl Assembly, and they are discharged from s^{d} sum.

The House adjourn'd till to morrow morning nine of the clock by order of the Speak^{r}.

Saturday March 2^{d} 1754.

The House met according to adjournment. The Secretary bro't into the House the Petition of Jeremiah Clough, Philip Call &c. Upon reading the Petition above mentioned,

Voted That it be dismiss'd.

The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till Tuesday the 26th day of March curr't at ten of the clock in the forenoon and accordingly in his Maj$^{ty's}$ name adjournd the same.

Tuesday March 26th 1754.

A number of the House met but not sufficient to make a House, nor the Speaker. The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till [P. 432.] three of the clock in the afternoon and accordingly adjourned the same.

Post Meridiem.

The House met according to adjournment And Mr Speaker Weare being absent, Voted that Peter Gilman Esq. be Speaker pro Tempore, and accordingly he took the chair.

The Secretary brought into the House a written message from his Excellency and left the same with the Speaker.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 129.]

Mr. Speaker & Gentlemen of the Assembly.

The breaking down the doors of the Provincial Goal & setting at liberty two Criminals Indicted for murther, in the most insulting and insolent manner, is a matter so well known, & the particular circumstances attending the tumultuous outrage of the people that committed the fact, are so clearly evident to the respective members of the Legislature, that I need not take up any part of your time to inform you of the incidents attending it. But, Gentlemen, To shew your abhorance and detestation of a crime so apparently destructive of government in general, so injurious to society, so dangerous to our Constitution, so heinously aggravated, & even committed contemptuously during the Session of his Majestys Superior Court of Judicature, merits your immediate attention, & I do in the most pressing terms recommend the consideration of this insult on the authority of Government, which threatens nothing less than total subversion of that Government his Majesty has been graciously pleased to Establish, as most worthy your first care, and to which all other public concerns must & ought to give place. Therefore, That the Honour, welfare, safety & peace of the Government may be preserved, as well as the guilt of blood removed from the Government, your assistance is required that the perpetrators favourers, advisers or those that have been in any ways aiding or assisting in committing this horrid crime may be brought to condign punishment, & such a Law Enacted as may prevent calamitys of the like nature for the future, otherwise I shall not think my person safe in attending the King's business, & an end must be put to the administration of Government, until a representation can be laid before his Majesty for his further direction & commands herein.

Council Chamber in Portsm^o, March 26, 1754. B. Wentworth.

[*Correspondence, &c. relating to the abovesaid affair.*—Ed.]

[Copied from Prov. Rec. Book I. pp. 266, 268, 271.]

Boston, February 4, 1754.

Sir—

Your Excellency may remember my Letter to you dated 17th of September last, wherein I acquainted you with an account we had of a *barbarous murther said to be committed within the Province of New Hampshire upon two Indians of a Tribe in amity with the English.* I was afraid it had then come to the knowledge of the Indians, and that complaint would have been made at the Conference, but no notice was taken of it then. I have this day received a letter from Capt. Lithgow of Fort Richmond advising me that it is now come to their knowledge and that *they are determined to revenge the murther.* I shall send your Excellency copy of his letter so far as relates to this affair. It will probably be attended * * * consequence to the Frontiers of one or both of the Provinces, if this murther be not detected and punished. I will send to Col. Minot who gave

me the first Information and desire him to obtain all further information possible and transmit it by the next Post, until when your Excellency has some knowledge of the Persons concerned so as to be able the secure them. I doubt not you will think it prudent to keep the affair as private as may be.

I am with great respect, Sir,
Your Excy's most Humbl and most obedient servt
W. SHIRLEY.

His Excellency Benning Wentworth, Esq.

Affidavits.

Thomas Barrett and Ephraim Jones both of lawful age testify and declare that in the month of August 1753 being in the Town of Rumford in the Province of New Hampshire at the house of Mr. Henry Lovejoy when ——— Bowen who belonged to a Place called Contoocook above Rumford on Merrimack River & who was supposed to be guilty of killing two Indians in June last—hapened to come to said House and Several Questions being asked him in our hearing concerning the same, and of his being guilty of the Fact and though he did not openly acknowledge the Facts, yet he gave reason to all persons to think by his answers and actions that he was not innocent Saying that if he did it, it was in his own Defence, and after his departure from us Mr. Lovejoy related to us the whole Transaction as he had heard it declared or hinted by said Bowen and some others at several times before—many or most of which Facts he thought might be made to appear & which according to the best of our remembrance was of the following Import viz—That two Indians one named Sabbatas and the other Plausaway came to said Contoocook about the beginning of June & having the value of about two hundred Pounds Old Tenr in Beavers and other effects. The said Sabbatas being known to be one of the two Indians who took two Negros at that Settlement the Year before & carried one of them to Canada the other making his Escape the said Bowen procured a Gallon of Rum from Rumford and he with one or two others whose names we do not remember in Company with said Indians gave them Rum very freely, and took an opportunity to draw the charges out of the Indians without their knowledge, and then went with them into the woods, and getting them some distance apart said Bowen had an engagement with sd Sabbatas who it was said flashed his gun at him, & the sd Bowen Struck his Hatchet in sd Indians Head then choped him several times in the Back & afterwards with a knife Stabb'd him to Death—The other Indian coming up to him begged of him that he would not kill him but sd Bowen without speaking to him Struck him on the Head and kiled him on the spot, and leaving them by the Path Side till next morning it was said Bowen with his son as it is supposed went and dug a hole by the Path Side & then threw them into it and covered them with earth—but so shallow that the dogs or other creatures uncovered them and their Bones have often been since seen.

Thomas Barrett
Ephraim Jones

Middlesex ss.
Concord Feb 9th 1754.

Then the above named Thomas Barrett & Ephraim Jones came before me the Subscriber and made Oath to the truth of the foregoing decleration
James Minot Justice of the Peace

Eleazer Melvin of lawful age testifieth & declared that he heard the substance of the foregoing Decleration or to the same purport in August last

from Mr. Lovejoy and some others, and further declares that about the same time in conversation with s^d Bowen he asked him concerning the s^d Indians wether they were certainly dead, and he answered he would warrant it, and that they never would do any more mischief to the English or to that effect, and if he killed them he did it in his own Defence as he could prove

Eleazer Melvin

Middlesex ss Concord Feby 9th 1754

Then the above named Eleazer Melvin came before me the subscriber & made Oath to the Truth of the above named Decleration

James Minot
Justice of the Peace

Letter from Governor Shirley.

[Copied from Prov. Rec. Book I. p. 268.]

Boston, February 9th 1754.

Sir.—

I have now to acquaint your Excellency that upon receiving Intelligence that the French have built, or are building a Fort near Kennebeck River towards the Head of it, I think proper to send an officer with a number of men from Richmond port to find out the Place where the Fort is built or building, and to require the Commander of it, in the name of his Majesty forthwith to draw off his people from the said Place, as lying within his Majesty's Territories.

And as I expect they will meet with Indians in their march, who will challenge them with the murther I mentioned in my last letter to you, I must intreat your Excellency to give Captain William Lithgow by Letter to go by this Express (who is ordered to wait your command) advice what your Governm^t is doing in order that justice be done to the Indians in this unhappy affair.

I am with great Regard, Sir,
Your Excellencys most Humble and most Obedient Servant

W. Shirley.

His Excellency Govern^r Wentworth.

Letter from Governor Shirley.

[Copied from Prov. Rec. B. I. p. 271.]

Boston, April 1. 1754.

Sir,

I am favour'd with two of your Excellency's Letters by the Post before this; and upon considering that part of your Excellency's Letter of the 22^d of the last month, which relates to *the riotous & violent Breaking open your Prison* & carrying off the Prisoners indicted for the murther of the two St. Francois Indians, I would submit it to your Excellency's consideration, whether it would not be of service for your Governm^t to grant a Present to some of the nearest Relations of the deceased Indians, for *wiping off the Blood*, as they term it: Which may possibly have a good effect, and in some measure soften the Resentments the whole tribe have of this great Injury; for the like method used by this Governm^t after the murther of the Indians at Wiscasset, had success for preventing a War at that time: and further I apprehend it may be of some advantage for alleviating the Wrong done the Indians, to set before them the Provocation given these men by the Indians carrying off two Negroes belonging to

them (& selling one of them at Crown Point) at a time when they were received kindly by the English, & they themselves made a shew of Friendship: Tho' this can by no means justify the barbarous act of murther; It might likewise be proper to put the Indians in mind of the *murther committed by them upon the English men near Merrimack River*, all which taken together is a full Reprisal of the wrong done them by the English: notwithstanding which, That it is your Excellency's full purpose upon the recovery of the Prisoners (for which you are using all proper means) that they shall be brought to a legal trial for the murther they stand charged with by the Indictment of your Grand Jury.

I have more to say to your Exc^y but am obliged thro' a great hurry of business to postpone it, untill the next post, when I will have the honor of writing to you.

I am with much regard, Sir

Your Exc^ys most hum^bl and most ob^t serv^t.

W. SHIRLEY.

His Excellency Benning Wentworth, Esq.

The Rescue.

The Hon. Chandler E. Potter, in the *Farmer's Monthly Visitor* Sept. 1853, gives an extended relation of Christo, Sabatis and Plausawa—three Indians, of whom the two latter were murdered. To this account the curious reader is referred. Mr. Potter says of the persons suspected of the murder: Henry Bowen and —— Morrill, they were "arrested, indicted for the murder and put in jail at Portsmouth to await their trial. They were to have been tried on the 21st of March, 1754. The night previous to the day appointed for their trial, a party of men from Canterbury, Contoocook and the neighboring towns, appeared in Portsmouth, broke open the jail, knocked the irons from Bowen and Morrill, and set them free. This outrage produced great excitement in the community—some endeavoring to discover and retake the murderers, and others favoring their escape.

Both the murder and the rescue, however, were generally justified in the community. And, although rewards were offered by Governor Wentworth for the apprehension of Bowen and Morrill, yet in a short time they went openly about their business, without fear of molestation, and the men engaged in breaking the jail at Portsmouth, though well known, were never called to account, but on the contrary, were considered as having performed a most meritorious act. In fact, some of the most substantial men in the country were engaged in the rescue,—by act or advice,—and the Government could not have made an arrest had they made the attempt. Presents were afterwards made to the relatives of these Indians by the Government of New Hampshire, and thus the 'blood was wiped away' to the satisfaction of the Indians."—ED.

Voted, That the hearing upon the Petition of Eben^r Spaulding, Isaac Page and others, and also of Joseph Butler be put off till Thursday next.

The House adjourn'd till tomorrow morning nine o'clock by order of ye Speak^r.

Wednesday March 27th 1754.

Met according to adjournment.

A verbal message sent to the Honourable the Council desiring

that the Council and House might meet and have a conference relating to the late Riot committed by breaking up the Province Goal and rescuing the two Persons Imprisoned and Indicted for the murther of two Indians, and the written message sent to this House by his Excellency relating to the s^{d} Riot also, sent to the Council by Col. Gilman and Matthew Livermore who return'd and said they had delivered the message.

[p. 433.] Voted That there go out a Precept to Kingston to meet on Monday the Eighth day of April next to make choice of some suitable person to represent the s^{d} Town in Genl Assembly in the stead and room of Jedediah Philbrick Esq. Dec'd, and that the Person who shall be elected appear in the Genl Assembly on the ninth day of April next, if the Genl Assembly be then sitting, and if not then sitting, then on the first day of their sitting afterwards.

The Secretary came into the House and said the Council were willing and ready to confer with the House and to do any and every thing in their Power towards the discovery and detection of the Persons concerned in the late Riotous breaking open the Prison and Rescuing the Persons there imprisoned and Indicted for the murther of two Indians and to attend the s^{d} Business, as soon as the House were ready.

Whereupon the House Informed the Council y^{t} they were ready —and the Secretary answered they would attend it either in the Council Chamber or in the House of Representatives (if the House would adjourn) whereupon the House adjournd—till three of the clock in the afternoon, by order of the Speaker.

[p. 434.] Post Meridiem.

Met according to adjournment.

Memorandum—After the adjournment in the forenoon the Council and House met in the House of Representatives and had a Conference relating to the breaking open the Prison (a) &c.

(a) Jour. C. &. Ass. March 27, 1754. The Council took under consideration the subject matter of his Excellencys message to the house of yesterday the same having been communicated to the Board by the House, and are of opinion That 'tis necessary to make the utmost scrutiny into that affair, and therefore Ordered that the Secretary forthwith Issue Sumons directed to the High Sheriff or his Deputy to sumon the several Innholders on the road between Chester & Portsm^{o} where a number of persons, who being assembled in a tumultuous manner had the day preceeding the riotous Breaking up the Province Goal stoped and to any other Person or Persons that may be thought capable of giving any acc^{t} of the Persons connected in the before mentioned riot.

A Precept Issued for the choice of a Representative for Kingston in the Room of Jedediah Philbrick Esq. dec'd.

Voted That a summons Issue out from this House signed by the Speaker to summons sundry persons to appear before this House as soon as may be.

A Summons accordingly Issued in pursuance of the afors^{d} vote.

The House adjourn'd till tomorrow morning nine o'clock by order of the Speaker.

Thursday March 28th 1754.

Met according to adjournment.

The Petition of Nicholas Smith being bro't from the Council into the House, and it appearing that the Party (who are not minors) interested in ye estate referr'd unto in the s^{d} Petition have Liberty to bring in a Bill. Sent up by Coll. Gilman.

The sum of £12: 11: 6, allow'd unto the legal Representative of John Boyd, dec^{d}. for wages unde^{r} Capt. John Goffe in ye year 1748, £0: 11: 5 for ammunition and to Capt. Goffe The sum of £8 : 0: 0 [p. 435.] for his Billeting: also the sum of £1 : 15 : 4 unto John Hamlet for wages, and £0 : 1 : 8 for ammunition, and to Capt. Goffe £1 : 2 : 6 for his Billeting heretofore omitted in making up a muster Roll of the s^{d} Capt. Goffe. Sent up by Mr. Macmurphy. [All concurred.]

The House adjourn'd till three of the clock in ye afternoon.

Post Meridiem.

Met according to adjournment. Upon hearing Joseph Butler upon his Petition and the Selectmen of Londonderry, Voted, That the prayer of the Petition be granted and y^{t} the Petitioner have liberty to bring in a Bill accordingly. [Concurred.]

Voted That the Petition of Eben^{r} Spaulding and others be dismiss'd.

The House adjournd till tomorrow morning Eight o'clock by order of ye Speaker.

Fryday March 29th 1754.

Met according to adjournmen^{t}.

The House adjournd till three of the clock in the afternoon by order of ye Speaker.

Post Meridiem.

Met according to adjournm^{t} [and] adjournd till to morrow morning nine o'clock, by order of the Speaker.

Saturday March 30th 1754.

Met according to adjournment. Thomas Packer, Esq. Sheriff bro't into the House an acc^{t}. amounting to the sum of £37 new Ten^{r} for sundry services done, which was order'd to lay for consideration.

The Secretary came into the House and said he was directed by [p. 436.] his Excellency to adjourn the Gen[l] Assembly till Tuesday the ninth day of April next nine of the clock in the forenoon and accordingly adjourn'd the same.

April 9th 1754—Tuesday.

The House met according to adjournm[t]. The Secretary came into the House and adjourn'd the General Assembly to three of the Clock in the afternoon.

Post Meridiem.

Met according to adjournm[t]. Voted that Eleazer Russell Esq. be Clerk pro Tempore.

The House adjourn'd till to morrow morn[g] nine of the clock.

April 10th Wednesday—1754.

Met according to adjournment. Voted, that Mr. Zebulon Gidding and Mr. John Knight be a Committee of this House to joyn with such as shall be appointed by the Hon[ble] the Council to tell over the Principal of the Loan in the hands of the Trustees (for the twenty-five Thousand Pounds Loan) And to Receive the Same and bring it into the Gen[l] Assembly to be burnt to ashes. Sent up by Mr. Knight. [Concurred.]

An act to authorize and direct the Selectmen of y[e] town of Bow in assessing the polls and Estates within s[d] Township, pass'd to be enacted. Sent up by Mr. Knight.

[p. 437.] The House adjournd till three of the Clock in the afternoon.

Post Meridiem.

Met according to adjournment.

The Vote for Compiling a new Body of Laws bro't down by the Secretary Feb. 22[d] Sent back by John Macmurphy Esq. with a message that y[e] House did not see it necessary that there should be an act made to carry the Same into execution. Also the Virginia Act sent up at the same time.

The House adjourned till tomorrow morning nine o'clock by order of the Speaker.

Thursday April 11th 1754.

Met according to adjournment. The Committee for Gove[n] House made report as on file.(1)

(1) This Report not found.—Ed.

The House adjourned till tomorrow morning nine o'clock by order of the Speaker.

Fryday April 12th 1754.

Met according to adjournment.

The sum of £6 : 16 : 6 new Tenr allow'd Mr. Edmd Brown on his acct. Sent up by Mr. Sanders. A message sent to his Excellency to acquaint him that there was a member returned from Kingston to sit in Genl Assembly in room of Jedediah Philbrick Esq. dec'd, by Mr. Wiggens & Mr. Lovewell.

[p. 438.] The House adjournd till three o'clock afternoon by order of ye Speaker.

Post Meridiem.

Met according to adjournment. The House adjourned for the space of six minutes by order of the Speaker.

Met according to adjournment. The act for dividing the Estate of John Mudget, decd having been read three times, Voted That it pass to be enacted. Sent up by Coll. Gilman. [Assented to.]

The House adjourned till to morrow morning nine o'clock by order of the Speaker.

Saturday, April 13th 1754.

Met according to adjournment. The House adjourn'd for the space of six minutes by order of the Speaker.

Met according to adjournment.

The act for suppressing of Lotteries having been read three times pass'd to be enacted and sent up by Mr. Page, Mr. Tuck and Mr. Stevens ye 17th.

The Secretary, Capt. Wibird and Capt. Warner came into the House and qualifyed Mr. Benja Stevens (sent by Kingston to represent them in General Assembly in the room of Jedediah Philbrick, Esq. dec'd) to sit in General Assembly.

Additional act for regulating the Militia having been read three times Voted, That it pass to be enacted.

Additional Act for the preventing of gaming having been read three times Voted That it pass to be Enacted.

The Act directing and Regulating the appointmt and choice of [p. 439.] Petit Jurors having been read three times, Voted that it pass to be enacted. The three foregoing Acts sent up ye 17th by Mr. Page, Mr. Tuck and Mr. Stevens. [All assented to.]

The House adjourn'd till Monday next three of the Clock in the afternoon by order of the Speaker.

Monday, April 15th 1754.

Post Meridiem.

A number of the House met but not the Speakr. The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till to morrow morning ten o'clock, and accordingly adjourn'd the same

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Tuesday, April 16th 1754.

Met according to adjournmt. The Speaker being absent, Mr. Henry Sherburne junr chosen Speaker pro Tempore. The Committee appointed for telling the Principal of ye Twenty five Thousand Pounds Loan in the hands of the Trustees bro't into the house the sum of Eight hundred and sixty three pounds, fifteen shillings & seven pence half penny New Tenr which was burnt to ashes in the face of the Genl Assembly, and they are discharg'd from sd Sum.

The House adjournd till 2 of the clock in ye afternoon by order of ye Speaker.

Post Meridiem.

Met according to adjournment.

The Secretary bro't into the House the Petition of the Selectmen of Merrimack for a Tax on the lands lying in sd Merrimack belonging unto non Resident Proprietors.

[p. 440.] He also bro't into the House the petition of Joseph Butler and said the Council were of opinion that a vote would Answer the end as well as an act.

The House upon reading the vote of Council upon the Vote of this House pass'd on the Petition of Joseph Butler the 28th of March 1754, Voted that the House adhere to their former vote. Sent up by Mr. Lovewell.

Upon reading the petition of the Selectmen of Merrimack, Voted that the Petitioners be heard on the sd Petition on the third day of the sitting of the Genl Assembly next after the last day of June next, and that the Petitioners at their own cost insert the substance of the sd Petition and orders thereon in two of the public papers, Viz. In ye Post Boy print and the Tuesdays paper three weeks successively, that any person or persons may shew cause, if any they have, why the Prayer of the Petition shou'd not be granted. Sent up by Esqr Macmurphy.

The Committee for telling the principal of the Twenty-five Thousand Pounds Loan in hands of the Trustees bro't into the House the sum of twelve hundred and ninety two Pounds seven shillings and six pence new Tenr Bills of Credit which was burnt in the House in the face of the Genl Assembly.

The House adjourn'd till to morrow morning nine o'clock by order of ye Speakr.

Wednesday, April 17th 1754.

Met according to adjournment.

[p. 441.] The Riot Act being read three times, Voted yt it pass to be enacted.(1) Sent up by Mr. Page, Mr. Tuck & Mr. Stevens.

Whereas there is at present no Provincial House for the Governour of this Province to live in, and Whereas it is judged expedient that there should be such an house provided as soon as may be, if a way can be found to effect the same, Therefore Voted that Mr. Speaker, Mr. Henry Sherburne jun. and Matthew Livermore be a Committee of this House to joyn with such as shall be appointed by the Honble the Council to make enquiry whether such an house can be purchased and for what Sum or whether it is best to build one and if so, to make Enquiry where is a convenient place to build such an house upon and to make Report as soon as may be. Sent up by Capt. Bell. [Concurred.]

The Committee for telling the Principal of the Loan of Twenty-five Thousand Pounds in the hands of the Trustees, bro't into the House the sum of sixteen hundred and eighty four Pounds nineteen shillings and three pence new Tenr Bills of Credit which was burnt to ashes in the face of the Genl Assembly.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournmt. The Act to enable Richd Jenness the third farmer of the Excise to administer an Oath &c. to any Tavern keeper &c. having been read three times, Voted That it pass to be enacted. Sent up by Doctr March.

[p. 442.] Upon Reading the memorial of Thomas Wallingford Esq, &c. relating to a Provincial work house, (a) Voted That Mr. Speaker Weare Coll. Peter Gilman and Mr. Jona Lovewell be a Committee of this House to joyn with such as shall be appointed by the Honbl the Council to consider of the sd memorial what they think proper to be done by the Governmt relative thereunto and make Report thereof unto the General Assembly as soon as may be. Sent up by Mr. Sanders.

(a) Jour. C. & Ass. April 17, 1754. Mr. Page from the House bro't up the memorial of Thomas Wallingford & others a Comittee appointed by a society of Gentlemen who had raised a sum of money for building a work house and making an offer thereof to the Province &c. and a vote of the House thereon appointing a Comittee to consider thereof and report thereon—read & concurred and a Comittee added.

Adjourned till tomorrow 10 o'clock A. M.

The projected vote relating to the money in Great Britain in the hands of John Thomlinson Esq. agent at the Court of Great Britain for this Government, being read, Voted that it lay till tomorrow morning for consideration.

(1) See said Act in full, in MS. Public Acts, Secretary's office, 1741—65. pp. 265—269. —Ed.

Upon reading the acc^{t} of George Mitchell Esq. for drawing a Plan of this Province,

Voted, That Coll. Peter Gilman and John Page Esq. be a Committee of this House to joyn with such as shall be appointed by the Honble the Council to consider of the demand of the s^{d} George Mitchell Esq. and what they think proper to be done thereupon, and make Report thereof to the Genl Assembly as soon as may be. Sent up by Mr. Wiggin.

The Committee for telling the Principal of the Twenty-five thousand Pounds Loan in the hands of the Trustees, bro't into the House the sum of sixteen hundred and forty five Pounds seventeen shillings and nine pence new Ten^{r} Bills of Credit, which was burnt to ashes in the face of ye Genl Assembly.

[p. 443.] The House adjourn'd till tomorrow morning nine o'clock by ord^{r} of ye Speaker.

Thursday April 18th 1754.

Met according to adjournment.

Mr. Jonathan Lovewell one of the Excise Collectors for this Province exhibiting an account of the money by him received and of his own Excise, and of what he had paid the Treasurer, and having sworn to the Same and producing vouchers from the Treasurer for the Ballance paid him amounting to the sum of fifty eight Pounds seventeen shillings and six pence new Ten^{r}, Voted, That the s^{d} acc^{t} be received and accepted. Sent up by Mr. Lovewell. [Concurred.]

The Committee for telling the Principal of the twenty-five Thousand Pounds Loan in the hands of the Trustees bro't into the House the sum of twelve hundred and sixty three Pounds, fifteen shillings and ten pence half Penny new Ten^{r} Bills of Credit new Ten^{r} which was burnt to ashes in the face of the Genl Assembly.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem

The act for preventing the Destruction of alewives in their passing through Cohass Brook(1) into great Massabesic Pond, having been read three times, Voted that it pass to be enacted. Sent up [p. 442.] (2) by Esqr Macmurphy.

The House adjourn'd for the space of five minutes by order of the Speaker.

Met according to adjournm^{t}.

The Act for the Proprietors of the Common lands in Portm^{o} having been three times read, Voted, that it pass to be Enacted. Sent up by Deacon Philbrick.

(1) Cohass Brook was the outlet of Massabesic pond, into the Merrimack river where once was the farm of Capt. John Goffe.—Ed.

(2) By error of the Clerk, pp. 442, 443, are repeated.—Ed.

The Committee for telling the principal of the Twenty-five thousand Pounds Loan in the hands of the Trustees bro't into the House the sum of fourteen hundred and one pounds and nine pence new Ten^{r} Bills of Credit, which was burnt to ashes in the face of the Genl Assembly.

Voted that Thomas Millet, Richard Jenness and Eleazer Russell Esq, be a Committee of this House to joyn with such as shall be appointed by the Honble the Council to tell over what Bills of Public Credit now are in the hands of the Treasurer to be burnt according to acts of the Genl Assembly and bring the same into the Genl Assembly in order to be burnt to ashes. Sent up by Mr. Lovewell.

The Act for Incorporating Summersworth into a Town being read three times, Voted that it pass to be enacted. Sent up by Mr. Sanders.

The House adjournd till to morrow morning nine o'clock by order of the Speaker.

Fryday, April 19th 1754.

Met according to adjournment.

Whereas it appears by Letters from John Thomlinson Esq. Agent for this Province at the Court of Great Britain, That he [p. 443.] (2) had, with part of the money in his hands belonging to this Province purchased annuities to the amount of Twenty Thousand Pounds Sterling money of Great Britain, which, for want of Proper Power of Attorney stood enterd in his own name, which is not consistent with the Interest of the Province Therefore Voted that Theodore Atkinson, Richard Wibird, Meshech Weare Esqs. and Mr. Henry Sherburne jun. be and hereby are Nominated and appointed Trustees for this Province in the Respect and to the Purpose hereafter in this vote declared and a Committee they or the major part of them to make, seal and execute in behalf of this Province a proper Power of Attorney to the said John Thomlinson Esq. Impowering him and his Executors or administrators in case of his Decease to accept the said annuities, and all such as he hath since or shall hereafter purchase with the money belonging to this Province for, and cause the same to be entered in the said Books to, and in the names of the said Theodore Atkinson, Richd Wibird, Meshech Weare and Henry Sherbern jun. as Trustees for this Province in such way and manner as that it may appear that the said annuities and all the Interest, Profit and advantage that shall arise thereby belongs to this Province: And to invest him or them with full Power and authority to do any act, matter or thing necessary to the Purpose aforesaid and to Enable him the said John Thomlinson Esq. to Receive the said Interest and apply the same as the said Trustees or the major part of them or their successors in the said trust shall from time to

time Direct pursuant to such orders thereto Relating as they shall from time to time receive from the Gen[l] Assembly. Sent up by Mr. Tuck.

The Committee for telling the Principal money in the hands of the Trustees of the twenty five Thousand Pounds Loan brought into the House the sum of three thousand five hundred and thirty seven Pounds eighteen shillings and nine pence new Ten[r] Bills of Credit which was burnt to ashes in the face of the Gen[l] Assembly.

The House adjournd till three of the clock in the afternoon by order of y[e] Speaker.

Post Meridiem.

Met according to adjournment.

Voted That the Treasurer send out his warrant for collecting the Province Tax for the current year (which may be paid in specie) agreeable to the Prices fixed and set to the following articles, viz.

	New Tenor.
Merchantable Hemp pr Hundred	£4:10:0
Flax pr Pound	0: 1:2
Winter and first fare Isle of Sable merchantable cod-fish pr Quintal	1:10:0
Barr Iron pr Hundred	2:10:0
Rye pr bushel	0: 6:0
Wheat pr Do	0: 8:0
Barley pr Do	0: 5:0
Pease pr Do	0:10:0
Indian Corn pr Do	0: 5:0
Pork pr pound	0: 0:6
Beef pr Do	0: 0:3
Joyce pr Thousand	2:10:0
Merchantable white pine Boards pr Do	2:15:0
White-oak two inch plank pr Do	10: 0:0
Bees wax pr pound	0: 2:0
Pitch pr Barrel	1:10:0
[p. 445.] Tar pr barrel	1: 5:0
Turpentine pr Do	2: 0:0
Bay-berry Wax pr pound	0: 1:6
Tann'd sole leather pr Do	0: 1:9

Sent up by Mr. Tuck. [Concurred.]

The Committee for telling the Principal of the Twenty-five Thousand pounds Loan in the hands of the Trustees to be burnt, bro't into the house the sum of Two thousand four hundred and thirty-eight Pounds seventeen shillings and five pence half penny New Tenor Bills of Credit which was burnt to ashes in the face of the Gen[l] Assembly.

The House adjournd till tomorrow morning nine o'clock by order of y[e] Speaker.

Saturday April 20th 1754.

Met according to adjournment

The Secretary came into the House & said he was directed by his Excellency to Inform the House that he should adjourn the Genl Assembly till Monday next. And he had orderd the Treasurer to lay such accounts before the House as they shou'd desire, and that he would have the late Treasurer's accounts settled and finished in the first place for that he wanted them to send home.

The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl. Assembly till Monday next ten o'clock in the forenoon and accordingly adjournd the same.

[P. 446.] Monday April 22d 1754.

A number of the House met, but not a House nor the Speaker. [Adjourn'd till 3. P. M., and again adjournd till]

Tuesday, April 23d, 1754.

Met according to adjournmt. Mr. Speaker Weare being absent, the House made choice of Mr. Henry Sherburn Speaker pro tempore.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournmt Voted That Meshech Weare Esq. Mr. Henry Sherburne jun. Peter Gilman, Esq. Thomas Bell Esq. and Matthew Livermore be a Committee of this House to joyn with such as shall be appointed by the Honble the Council to examine the accounts of the late and present Treasurer which now remain unsettled and to make their Report to the Genl Assembly [P. 447.] as soon as may be. Sent up 24th by Mr. Sanders. [Concurred.]

The House adjourn'd till tomorrow morning nine o'clock by order of the Speaker.

Wednesday April 24th 1754.

Met according to adjournment. The act for choosing Grand Jurors and directing their service being read three times, Voted That it pass to be enacted. Sent up by Capt. Wentworth.

Answer of the House to the Governor's Message.

May it please your Excellency,—

We have had your Excellency's message of the 26th day of March last Relative to the high handed crime of Breaking open the Provincial Goal and setting at liberty two criminals Indicted for murther, under our con-

sideration, are very sensible that such practices are an open Insult upon and manifestly subversive of all Government and authority, and that much it concerns every one in their respective stations to exert themselves that offenders may be brought to condign Punishment, and such pernicious practices prevented for the future and we are *are* unanimously disposed to do all in our power in order thereto and we have applied ourselves to carry out the most likely methods to attain that end and to promote peace and good order in the Goverum^t^; and in order hereto have prepared and pass'd Acts for chusing grand and Petit Jurors for attending the several Courts in such a way and manner as we apprehend will be most likely to have Jurors to serve at said Courts who will be qualifyed for their re- [p. 448.] spective Business and the least burthensome on account of attendance; and also an Act for suppressing of Riots for the future. To all which we pray your Excellency's assent, and we desire that such officers whose proper business it is to make out process against or to apprehend such as were concerned in said crime may be directed to do their duty and that all necessary orders may be given for such aid and assistance as may be necessary to effect the same.

Sent up by Capt. Wentworth and Mr. Knight.

The House adjournd till three of the clock in the afternoon by order of the Speak^r^.

Post Meridiem.

Met according to adjournment. The Secretary bro't into the House the Report of the Committee relating to the Petition of a number of persons in Dover for a new Parish.

The House adjourn'd till tomorrow morning nine o'clock by order of the Speaker.

Thursday April 25th 1754.

Met according to adjournment^t^. [and again adjourned to 3 P. M.]

The Committee for selling the Excise brought in their account of charge amounting to the sum of Eight Pounds seven shillings and six pence new Tenor which was voted to be allowed and paid [p. 449.] out of the money in the Treasury. Sent up by Mr. Knight.

The Committee for revising the Laws in 1747, Bro't in their acc^t^ amounting to the sum of fifty two Pounds one shilling and three pence old Ten^r^, in New Ten^r^ thirteen Pounds and three pence three farthings. Voted that the same be allow'd and paid out of the money in the Treasury. Sent up by Mr. Knight.

Voted That Peter Gilman Esq. and Matthew Livermore be a Com^tee^ of this House to joyn with such as shall be appointed by the Honble the Council to Repair the Provincial Goal in such way and manner as they shall judge necessary, also to make any addition or additions to the said Goal as by them shall be thought proper, also to purchase any Parcell or spot of ground or land convenient for a garden or any other accommodations for said Goal and to dig a well in for said Goal, and to dig and finish said well and that the said Com^tee^ hereby are appointed Trustees for said Province to take the Deed or Deeds for the land they shall pur-

chase pursuant to this vote in their names as Trustees for said Province, and that they draw out of the money that is or may be in the Treasury not exceeding what remains appropriated to that use, and that they proceed upon said Business as soon as may be and that they render an account of their Proceedings therein to the General Assembly from time to time as there may be opportunity. Sent up by Knight.

The Secretary brought into the House a message from his Excellency relative to a Letter from Govr Shirley, also a letter from Govr Shirley of ye 22^d of April 1754.

The Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, p. 131.]

Mr. Speaker & Gentlemen of the Assembly.

For want of time to give you a copy of Governor Shirley's letter to me of the 22^d inst, I have directed the Secretary to read to you the original & to leave it with the House, that the things relative to this Government therein may be forthwith taken under your consideration, expecting to have it return'd to Due time to give answer thereto by the Post tomorrow.

The Interview to be held at Falmouth, you must think the Province interested in & therefore I make no doubt but you will make an ample and suitable provision for Commissioners to attend at it, if my health will not permit me to be present in person.

You will Gentlemen observe that Lieut. Governor Delancey has informed Governor Shirley that it is reported at Albany that the French have lately finished a fort at Co-as, whether this Report be true or false, is not material, but when such reports are Current, it is our duty in obedience to his Majesty's Commands, to inquire into the truth of the reports & I shall not doubt of your instantly making a grant to put it in my power to enquire into a matter of such Importance to his Majesty & the Province. By the other paragraphs of his Excellency's letter you will observe with what dispatch & pleasure the Assembly of the Massachusetts have gone through their publick business.

B. Wentworth.

Council Chamber in
Portsmouth, April 25th, 1754.

Governor Shirley's Letter.

[Copied from MS. Gov^rs Messages, Vol. II, p. 133.]

Boston, Ap^l 22^d 1754.

Sir—

Since my last Letters to your Excellency the General Court of this Province have provided for an Interview between me and the Eastern Indians as also for my building a new Fort upon Kennebeck River as far up the River as I shall judge proper, and have also desired of me to use the proper means for removing any French fort that may be built within his Majesty's Territories near Kennebeck River and have provided for my raising five hundred men for this servis and for Presents to the Indians in case I shall judge it convenient to deliver them. I find upon due inquiry that the Indians Hunting Time will not be over till near the end of May, so that I propose to be ready to go from hence to Falmouth in Casco Bay (which I shall order to be the Place of meeting) about the Eighth of June, and if your Excellency or Commissioners from your

Government will meet us there as it will be acceptable to me, so (I trust) it will conduce to the general good and it seems more necessary on the account of the Indians killed in your Province that every thing that can may be done to give the Tribes satisfaction on that Head. As to the story of Indians being killed on Montinicus Island, upon the utmost search I have made by persons I sent down to said Island for that purpose, I apprehend it is a . . . notorious invented Falshood by a lying Boy that was a servant upon the Island. I am at present undetermined whether to raise all the five hundred men provided for, and shall be governed in sum measure by the further Intelligence I may receive of Indian affairs and especially respecting the French Fort said to be built near the head of Kennebeck River: I shall give your Excellency further advice upon these matters upon any new Occurrence. The Assembly is upon the point of rising so that I have only time to add that I am, Sir, your Excellencys most humble

and most obedient Servt.

W. Shirley.

P. S. By a letter I have rec^d from Mr. Delancey Lieutenant Governor of New York, by this he Informs me that there is a report at Albany that the French have lately finished a Fort at Co-as near the head of Connecticut River. I should have added that the Assembly hath voted a grant of £300 Lawful money for providing Presents for the Indians for the Six Nations, and have authorized Comm^rs to agree upon measures in concert with the Gov^t of New York & the other Gover^ts which shall send Com^rs to Albany, for retaining the six nations in our Interest, and bear their proportionable part of the expenses as I mentioned I should recomend them to do in my last to your Excell^y.

A true copy of a Letter sent to the House by his Excellency, April 25th 1754.

Attest:—Matthew Livermore, Clerk of Assembly.

Indorsed—"Copy of a letter from Govr Shirley to Govr Wentworth, Ap. 22^d 1754."

[The following is Govr Shirley's letter above referred to, copied from Prov. Rec B. I. p. 270.—Ed.]

Boston, March 18th 1754.

Sir—

I have now to acquaint your Excellency that I have receiv'd such Information of the French of Canadas' building a Fort near the Head of Kennebeck River as leaves me no room to doubt of the fact: I am using all the means I am able to obtain a more perfect knowledge of the particular Place & of the strength of the Fort, and as I apprehend this to be an open violation of the Treaties of Peace and Invasion of his Majesty's Rights, & like to have a fatal Influence on the Safety of his Maj^tys subjects in these Colonies, if measures ben't used for dislodging the French from these places, I propose to lay this Matter before the General Assembly of this Province at their meeting the next week & to recommend to them to make provision for the charges of raising and employing Forces for the Driving off the French from that Post. And as this Service cannot be so well effected without the Assistance of the neighboring Colonies more especially of New Hampshire & Connecticut, & as our common Safety is deeply concerned, and his Majesty has signified his Pleasure that the several Governm^ts of these Colonies unite their Force in preventing or Repelling the French encroachm^ts on the English Territories, & be ready to give assistance to each other, as their occasions shall require, I doubt not but that your Excellency & your whole Government will join with us in an affair wherein his Majesty's Honour and Interest

& our own Security is so much involved. I thought it proper to give you this early Intimation, so that the proper season for enterprising the Design may not be lost by delay. I shall give you further advices of these matters when I have the mind of your Assembly, & if they fall in with my Judgmt here in, I will not lose a Moment for preparing to Execute this Design: For the present it will be best to keep the matter from public notice. *The Indians have given such menaces against the English that I am much afraid they will make some attempts upon our Frontiers this Spring.* I am, Sir, with respect and Esteem

Your Excellency's most obedient Humble Servant.

W. SHIRLEY.

His Excellency Benning Wentworth, Esq.

Extract from a Letter from Gov. Shirley relating to union of the Colonies, &c.

[Copied from Prov. Rec. B. I, p. 269.]

Boston, March 5th 1754.

"SIR

I am to Acknowledge the receipt of your Excys favours of the 9th 14th and 21st of February which I have waited for the opportunity of answering by Mr. Pierce.

"I receiv'd from Govr Dinwiddie by last Post an acct of the Frenchs' having built two forts, one upon the Lake Erie, and the other at abt 15 miles distance upon the river Ohio, very lately, and preparing to build several others in the ensuing Spring, the principal of wch is to be built at Logs Town; I should have mention'd that one of the forts already built is mounted wth 8 six Pounders, and both garrison'd with 150 men each, the rest of their army being gone into Winter Quarters.

"They have already prevailed upon three Indian Nations to take up the Hatchet agt the English, viz. The Chipperways, Ottoways and Onondacks and threaten hostilities agst the other neighbouring Indians, if they interfere in our favour.

"*These Incroachmts of the French and their others upon the Lakes and Rivers, particularly that at Crown Point, as also their forts upon the Isthmus of the Peninsula of Nova Scotia, St Johns and Kennebeck rivers, afford a very alarming prospect;* and should they prevail by menaces or artifices upon the Indians of the Six Nations to desert our alliance and come over to their Interest, it might have very fatal effects. *How necessary then is that union of the English Colonies wch the Earl of Holdernesse recommends to all his Majtys Governours* for their mutual protection and defence agst the Enemy.

"Wherefore as there is to be an Interview at Albany with those Indians in June next to wch I suppose Commissioners will be sent from the Govts of Virginia, Maryland, Pennsilvania, the New Jerseys, your Excys and my own and I hope also from Connecticut, I would propose it for your Excys consideration whether this meeting of the Commrs from so many Govts to treat with these Indians in concert with the Govt of New York may not yield a most *favourable opportunity for beginning such an union* (in this most essential article) by jointly agreeing upon such measures, as may most effectually preserve and strengthen our alliance and friendship with these Nations: For wch purpose the several Commrs should have sufficient powers given them by their respective Govts as also to settle the Quota of each Govt either in men or money for carrying what shall be agreed upon into Execution, whether that shall be by erecting and maintaining one or more forts within such parts of the Mohawk Country, as the Indians themselves shall chuse for their protection of it, the Squaws and paposas agst the Incursions of the French and their Indians in their alliance, at such times as

they shall be engaged in hunting or warr, or otherwise as shall be most acceptable to the Indians and conducive to his Majesty's service.

"This is what I shall recommend in a pressing manner to the Assembly within this Gov^t at their meeting on the 27th Instant; and I can't but think it would have a most happy effect, if his Maj^tys several Gov^rs would prevail upon their respective Assemblies, wch I shall take the liberty of mentioning to them for their consideration, to join in so salutary and necessary a measure for the common cause."

Be pleas'd to favour me with your Exc^ys sentiments upon it.

I am with respect, Sir, your Exc^ys
most obedient Humble servant
W. Shirley.

His Excellency Governor Wentworth.

Upon reading the Petition of a number of persons in Dover for a new Parish in Dover and the Report made by the Committee relative thereunto,

[p. 450.] Voted that the Petition lay for further consideration that the contending partys may have opportunity to agree among themselves.

Fryday, April 26th 1754.

Met according to adjournment. The house adjourn'd till three o'clock in the afternoon.

Post Meridiem.

Met according to adjournment. The Secretary bro't into the House the Report of the Committee appointed to look out a House for the Governor of this Province to live in.

[Report, copied from MS. Corr. Vol. II, p. 99.]

April 26 1754.

In pursuance of the within vote we have Treated with the owners of the Brick House in Portsm^o where his Excellency the Governor lately lived (that being the only House in town now to be sold that we apprehend suitable for a Government House) who are disposed to sell the s^d House with the Land and Yards adjoining on the South End of the Street, and the corner Lot opposite on the South side to contain about seventy feet square, which the owners aforesaid will sell to the Province for nine Thousand Pounds Old Ten^r.

We tho't it unnecessary to Pursue the vote further in searching a convenient place to Build a suitable House till the General Assembly had determined whether they would Purchase the above said House or not.

All which is submitted by

Theodore Atkinson
R. Wibird
D. Warner
Meshech Weare
Hen. Sherburne junr
Matthew Livermore.

In Council, April 26, 1754,
Read & ordered to be sent
down. Theo^d Atkinson, Sec^y.

The House adjoun'd till tomorrow morning nine o'clock.

Saturday April 27th 1754.

Met according to adjournment.

Whereas it is Reported That the French have lately finished a Fort at Co-as supposed to be within this Province,

Voted That his Excellency the Governour be Desired to use such methods to find out the truth of said Report as he may think proper and that the charge thereof be Defrayd out of the money that is or may be in the public Treasury.

Sent up by Mr. Sanders. [Concurred.]

The acct of Capt. Jenness for wood amounting to the sum of twelve Pounds ten shillings new Tenr. Voted That it be allowed and paid out of the money that is or may be in the Treasury. Sent up by Doct. March.

Ordered That Capt Israel Gilman and Mr. Joseph Thomas be sent for to attend the House on Monday next in the forenoon.

[p. 451.] Sent out accordingly.

The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till Monday next ten of the clock forenoon and accordingly adjourn'd the same.

Monday April 29th, 1754.

A few of the members met [but not enough to form a house, and adjourned, once and again, till]

Tuesday, 3 o'clock, P. M.

Met according to adjournment.

[p. 452.] Whereas his Excellency the Governor hath signifyed to this House by his message of ye 25th Instant that the Government of the Massachusetts Bay intend an Interview with the Eastern Indians at Falmouth in Casco Bay, some time in June next, and intimates a Desire that suitable Provision might be made for Commissioners from this Province to attend at said Interview, if his Excellency's health will not permit him to attend in person,

Voted That if his Excellency thinks it will be for the advantage of this Province personally to attend at said Interview and his his health will admit of it, the Expence thereof be defrayed by the Province, and that Colonel Peter Gilman and Clement March Esqs. be a Committee of this House to joyn with such as may be appointed by the Honble Council to attend upon his Excellency: but in case his Excellency's health will not permit him personally to attend, that they, with such as may be appointed by the Honourable the Council, be Commissioners to Represent this Province at sd Interview, and if needful for the benefit of the Province to make any present to the said Indians, that they be and hereby are Impowred to do it at the Expense of the Province.

Sent up May 1st by Capt. Bell.

The House adjourn'd till tomorrow morning nine o'clock by order of the Speaker.

Wednesday May 1st 1754.

Met according to adjournment.

[p. 453.] Voted That there be paid unto his Excelly the Governor out of the money that is or may be in the Treasury for his more Honble and ample support this present year 1754, five hundred & fifty pounds new Tenr. Sent up by Capt. Gilman.

The House adjourn'd till three of the clock, in the afternoon by order of the Speaker.

The Honble Richd Wibird Esq. came into ye House and brought a Letter which he said the Govr just Recd from Coll. Blanchard & directed him to deliver it to the Speaker. (1)

The Report of the Committee of both Houses appointed ye 17th Inst. to make enquiry after a suitable house to be purchased for a Provincial House for the Governor to live in, being read,

Voted, That if the Brick House and land mentioned in said Report may be purchased for the sum of one thousand seven hundred and fifty pounds new Tenr. and a good title can be made to it and a proper way can be found out for raising money to pay for ye same, that the said Brick House and Land be purchased for a Provincial House, and yt ye Comtee appointed by sd vote shall be & hereby are authorized & Impowrd to treat with ye owners of sd house & Land and if they will take the sd sum of one thousand seven hundred & fifty pounds new Tenr for the same, to examine into the Title thereof: But if the sd owners will not take the sd sum for the same that then the sd Committee enquire after a suitable place to build a Provincial House upon and make Report as soon as may be.

Sent up by Mr. Macmurphy and Mr. Sanders.

The Secretary came into the House and said yt the Council were of the opinion that the vote relating to the Intended Interview with the five Nations might be mended in three particulars, viz. [p. 454.] If the House intended that any thing should be done by the Commissioners more than what related to the five Nations, it was not expressive enough; also, that they tho't there was not a sufficient number of Commissioners appointed by sd vote; also, that they tho't it might be better if the Commissioners appointed for sd Interview should have a Sterling Bill instead of drawing money out of the Treasury. (a)

(a) Jour. C. & Ass. May 1, 1754. His Excellency sent a letter he recd from Colly Blanchard, to the house (by Capt. Wibird) relating to the

(1) This letter cannot now be found.—ED.

sending a number of men up the Connecticut river in order to find weither the French were building a Fort in that part of the Province as has been reported.

Mr. Atkinson and Mr. Warner, with a message from the Council to the house in relation to the vote about Comissioners to treat with the six Nations of Indians, viz. That the s^d vote would stand better if the Comissioners Power were enlarged and not confined to the Interview with the Indians only.

2dly The Number of Comissioners ought in their opinion to be augmented, and

3dly That the Comissioners should be furnished with Bills of Exchange instead of Paper money.

Mr. Sherburne & Mr. Livermore from the house with a message to the Council to Desire that the House might withdraw the vote for appointing Comissioners to attend at the Interview with the six Nations of Indians and to act in conjunction with Comissioners from the other Governments &c.

The Council took under consideration the foregoing message and directed the Secretary to carry the said vote to the House and deliver the same to the Speaker and to acquaint him and the house that they Durst not relinquish their right to the said vote till the house had passed another in lieu thereof to their acceptance.

The House adjourn'd till tomorrow morning nine of the clock by order of the Speaker.

Thursday May 2^d 1754.

Met according to adjonrnm^t.

The Secretary bro't into the House the vote of this House of ye 30th of January last relating to ye interview with ye Six Nations and said the Council did not care to Relinquish their Right to it unless one should pass that will better answer ye purposes therein proposed.

A verbal message sent to his Excellency by Mr. Thomas And Livermore to acquaint his Excellency that if he tho't from Coll. Blanchard's Letter to his Excellency that there might no danger arise by deferring the sending out Any men to examine into the Report of the French having built a Fort at Coos for some time, they are content, but submit the whole affair to his Excellencys conduct. The Secretary brought into the House a Letter from [p. 455.] Lieut Governor DeLancey to Gov. Wentworth; also the Copy of a Resolve of the Assembly of New York.

Letter from Lt. Govr DeLancey of New York.

[Copied from MS. Corr. Vol. II. p.101.]

New York, 22^d April 1754.

Sir.

In my speech at the opening of this session I declared my apprehension that unless the Colonys unite in measures for building forts in the Indian country for their security And the safety of the women and children when the men are abroad and for sending *smiths?* and other proper persons to reside among them, We shall loose the little influence we still have over them, and it was reasonable the expense should be borne by the Col-

lonys in general: Yet it might be expected a scheme for that purpose should take its rise here. I also recommended to the Assembly that they would Enable me to build a fort or forts on the Northern parts of this Province until I had used my Endeavors to bring the Neighbor Governments to joyn in the expense of erecting as many forts as might be necessary to guard them and us from the Incursions of the Enemy in that quarter: Upon which they came to the Enclosed Resolution, and as I doubt not of your Excellency's agreeing in opinion that the building forts in the Indian Country is an Essential step toward securing them and their allies in his Majesty's Interest, in which all the Collonies are much concerned, and that the erecting other forts on the Northern Quarters toward the French is a necessary measure for our common security, you will I am Perswaded use your Endeavors to bring your Assembly to joyn in this Expence. We cannot have a more favorable opportunity to concert a scheme for this Purpose than at the Albany Treaty where I hope to see Commissioners from your Government instructed on these heads.

I am, Sir, your Excellencys
most obedient & most humble servt.
JAMES DELANCEY.

(Copy)
Pr. Theo' Atkinson, Secy.

Resolution above referred to.

[Copied from Prov. Rec. B. I. p. 272.]

Assembly Chamber the 17th April, 1754.

Resolved, that in as much as the securing the five Indian Nations and those in alliance with them in the British interest, is of the utmost consequence to all his Majesty's Colonys on the Continent; and as they have Requested to have Forts Built among them to secure their wives and children when they go out to war in behalf of the British nation; and as the Building such forts and some others on the Northern parts of this Colony will cover, and in a great Measure secure the settlements of several other of his Majesty's Colonys against the Incursions of the French and their Indians: His Honour the Lieutenant Governor be hereby addressed to use his Endeavors with the neighboring Governments to joyn with this Colony in the expence of erecting and maintaining such Forts, and to assure him that this House will readily come into any well concerted scheme for that purpose Ordered that Mr. Thomas and Mr. Miller wait on his Honour with the said Address.

By order of the General Assembly
Abrm Lott, Junr. cl.

New York 20th April 1754. A true copy, Examd pr
Geo. Banyar, D. Secy.

The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Voted That Mr. Speaker Weare and Mr. Henry Sherburne jun. be and hereby are appointed Commissrs on the part of this House to be joynd with two such Persons as shall be appointed by the Honble Council to Represent this Province at the intended Interview with the Six Nations of Indians to act in conjunction with the Commissioners of his Majestys other Governmts at ye sd Interview in Renewing the covenant chain and securing them in the

British Interest and in consulting on any Plan or Projection that may be proposed for the safety and Benefit of this Province & of the British Colonys in general.

And that the said Commiss^{rs} be allowed the sum of three pounds new Ten^{r} each for each day they shall be upon the afors^{d} business and service for themselves, servants, horses and all other Expenses (except what extraordinary charges and Expenses they may be at when at s^{d} Interview, which shall be at the charge of the government.)

And that the said Commiss^{rs} be and hereby are authorized and Impowered to make such Present or Presents to the Indians afors^{d} at the s^{d} Interview as they shall judge necessary & Expedient not exceeding the sum of two hundred and fifty pounds new Ten^{r}, and that the said Commiss^{rs} be and hereby are Impowerd and authorized to take of the Com^{tee} appointed to draw Bills on John Thomlinson Esq. agent for this Province at the Court of Great Britain, a Bill or Bills for the sum of Two hundred pounds Sterling money of Great Britain for ye s^{d} Business and service, and the said Com-
[p. 456.] mittee be and hereby are authorized and Impowerd to draw such Bill or Bills, and that the s^{d} Commiss^{rs} render an acc^{t} of their disbursements and also lay before the General Assembly the whole of their Proceedings relating to the Business afors^{d}.

Sent up by Mr. Page & Stevens. [Concurred.]

Whereas this Government have an Immediate occasion for a sum of Ster^{g} money to carry his Maj^{tys} orders with Relation to Treaties with the Six Nations & Eastern Indians into Execution, also to make enquiry into the truth of the French having built a Fort at or near Co-as on Connecticut river (as is reported) and whereas there is a sum of money arising from the Interest of the money belonging to this Government in the stocks in Great Britain now lying in the hands of John Thomlinson, Esq. agent for this Province.

Therefore Voted, That Theodore Atkinson, Richard Wibird & Meshech Weare Esqs. and Mr. Henry Sherburne or the Major part of them, be and hereby are authorized & impowered to draw on the s^{d} John Thomlinson for ye sum of five hundred Pounds Sterling to be Improved for the uses afores^{d} as the General Assembly shall order & that a Tax be Immediately laid upon the Polls & Estates within this Province for bringing in and sinking the sum of one thousand five hundred pounds new Ten^{r} bills of Credit on this Province, part of the Bills of Credit emitted by this Province for the carrying on the Intended Expedition against Canada.(a)

Sent up by Messrs Page & Stevens.

An Act for granting unto his Most Excellent Maj^{ty} the sum of £6000 having been read three times,

Voted That it pass to be Enacted. Sent up by Messrs Page & Stevens.

An Act for the Division of the Estate of Jotham Odiorn, Esq. deceas^{d} having been read three times

Voted, That it pass to be enacted. Sent up by Messrs Page & Stevens.

[p. 457.] The Secretary came in the House and bro't the vote for Commissioners for the Interview with the Six Nations and the vote for drawing on John Thomlinson Esq. for the sum of five hundred pounds sterling and said the Governor & Council tho't it best that the Bills should be drawn by the Treasurer and the money put into the Treasury that the acc^ts might appear more regular.

(a) Jour. C. & Ass. May 2^d, 1754. Messrs Atkinson and Warner with a message from the Governour & Council with the vote Impowering the Comittee to draw on Mr. Agent Thomlinson for £500 sterling &c. as sent up this day to acquaint the House that they think it Quite improper for a Comittee to Draw said Bills and recommended that the Treasurer should draw the same and left the said vote with the house.

Also to Put the House in mind that there was no Provision for the expence of an Interview with the Eastern Indians.

The House adjournd till tomorrow morning nine o'clock by order of ye Speaker.

Fryday May 3^d 1754.

Met according to adjournm^t: [and adjourned till 3 o'clock, P. M. then]

Voted, That the Commissioners appointed to Represent this Province at the Intended Interview with the Eastern Indians at Falmouth in Casco Bay, if his Excellency the Govr shall not attend in Person be allowed each the sum of three Pounds new Ten^r pr day for each day they shall be upon ye s^d Business, for themselves servants Horses & all other Expences, except what extraordinary charges they may be at when at ye s^d Interview, which shall be at the charge of the Government & that they Receive of the Com^tee appointed to draw Bills on John Thomlinson, Esq. a Bill or Bills for the sum of fifty Pounds sterling before they set out on s^d Business for the use afores^d & the s^d Com^tee shall be and hereby are authorized & Impowered to draw such Bill or Bills, and that the s^d Commiss^rs render an acc^t of their Disbursements & also lay before the Genl Assembly the whole of their proceedings Relating to the Business afores^d & that the Com^tee appointed to draw s^d Bills sell the Remainder of the sum of five hundred pounds Ster^g Voted to be drawn for except the two hundred pounds voted for the Intended Interview with the Six Nations, for the most they will fetch & put the money arising thereby into the Treasury to & for the uses proposed by the vote for drawing said Bills; but if his [p. 458.] Excellency shall attend in person at s^d Interview, that then the Com^tee appointed to draw the s^d Bills be and hereby are Impowerd to deliver to his Excellency's order as much of s^d Bills as he shall think proper for ye s^d Business and dispose of ye re-

mainder (except as above excepted) for the most they will fetch & put the same into the Treasury for the purposes afores^{d};—further

Voted, That if his Excellency attend s^{d} Interview in Person that the Com^{tee} appointed to wait upon him be allowd forty shillings new Ten^{r} pr day each, every day they shall be upon s^{d} Business, their Expences being born.

Sent up by Mr Macmurphy & Mr. Sanders.

The House considering of the message by the Secretary yesterday relating to the vote for the Interview with the Six Nations, and the vote for drawing on John Thomlinson Esq. for the sum of five hundred pounds Sterling, Voted That they adhere to s^{d} votes Sent back by Mr Macmurphy & Mr. Sanders.

Daniel Warner Esq. came with a verbal message from his Excellency signifying that there was no Bounty offered for persons that might be sent out to examine into the Report of the French their building a Fort at Coos on Connecticut River and that if a Bounty should be offered it would be more likely to get suitable persons to go upon s^{d} Business.

Voted, That the following answer be sent to his Excell^{ys} message of this afternoon by Daniel Warner Esq. with Coll. Blanchard's letter.

May it please your Excellency—

Upon mature consideration of the subject matter of Col. Blanchard's Letter, The House is Humbly of the opinion that the sending men to Coos may be deferred till the time of the Indians Hunting is over, when ten may be sufficient, but as by the House vote the matter is left intirely with your Excellency, the House consent when your Exc^{y} thinks it will [p. 459.] be best to send out that such Bounty and other encouragement for Inlisting ten Volunteers be offered as may best answer the end proposed.

Sent up by Mr. March. (a)

(a) Jour. C. & Ass. May 4, 1754. His Excellency Laid before the House message to him of yesterday relating to the raising Volunteers to serch the country about Co-os on Connecticut river for a French fort supposed to be building there and asked the Council weither they concurred in sentiments with the house to which the Council did agree & consent.

The acc^{t} of David Horney amounting to the sum of twelve Pounds eighteen shillings and three pence new Tenor be allowed and paid out of the money that is or shall be in the treasury. Sent up by Mr. Sanders. [Concurred.]

Allowed of the acc^{t} of Mr. Edmund Brown the sum of three Pounds ten shillings new Ten^{r} to be paid out of the money that is or shall be in the Treasury. Sent up ye 4th by Mr. Sanders.

The House adjournd till tomorrow morning nine o'clock by order of the Speaker.

Saturday May 4th 1754.

Met according to adjournmt.

The acct of Daniel Pierce Esq. amounting to the sum of fourteen Pounds ten shillings new Tenr allow'd to be paid out of the money that is or may be in the Treasury. Sent up by Mr. Sanders.

Mr. Hunking Wentworth acct that was allowed ye 8th of Jany last sent up this day by Mr. Sanders. [Concurred.]

Upon reading and considering the Petition of James Studley jun & Nathl Doe Voted that there be allowed and paid out of the money that is or may be in the Treasury unto the Petitioners the sum of Thirty Pounds new Tenr in full for all and any demands [p. 460.] they may have on this Province on acct of the vessel mentioned in sd Petition or anything relative thereto. Sent up by Mr. Knight. [Concurred.]

Upon reading the Petition of Joshua Prescutt Voted that it be dismis'd.

The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till Monday next ten of the clock in the forenoon, and accordingly adjourned the same.

Monday May 6th 1754. (a)

Met [and adjourned till 3, P. M.]

The Secretary bro't into the House the Report of the Committee appointed the first Instant relating to the purchasing a Provincial House for the Governor to live in—as on file.

(a) Jour. C. & Ass. May 6, 1754. Upon reading the votes of the House of the 30th of April Last and 2d Instant relateing to an Interview with the Eastern Indians at Casco bay his Excellency Put the following Question to his Majtys Council viz. Weither it is not an Infringement on the Prerogative for the Assembly to appoint Comissioners for the above Interview.

To which the Council answered They did not think the Assembly had any Inherent right to the appointment of such Comissioners, but that they found *it had been long the custom at such Interviews* for the Lower House to nominate by vote some Persons to joyn with such as should be appointed by the Council and who have always concurrd such votes and joyned a Comittee With respect to the votes above mentioned the Council think that in obedience to the Direction in the letter from the Right Honble the Lords Comissioners for Trade and Plantations to your Excellency, they were obleidged to concurr the said votes of the House referrd to that his Majesties Gracious Intentions therein signifyed might not be frustrated.

The House adjournd till tomorrow morning nine o'clock.

Tuesday May 7th 1754.

Voted, That if the Brick House & Land mentioned in the Report of the Comtee of ye 26th of Apr 1754 for looking out a House for the Govr to live in may be purchased for the sum of Two thousand Pounds new Tenr & a good title can be made to it [p. 461.] and a proper way found out for raising money to pay for it, that the same be purchased for a Provincial House & that the Comtee appointed by the vote of ye 17th of Aprill aforesd be and hereby are authorized and Impowerd to treat with the owners thereof to enquire if they will take the sum of two thousand Pounds new Tenr for the same, it having been suggested to the House that they would, & if they will, to enquire into the Title thereof and make Report to the Genl Assembly as soon as may be. Sent up by Mr. Page.

The Secretary bro't into the House the act for the appointment of Petit Jurors and also the act for the appointment of Grand Jurors, and said the Council did not like them as they now were, but if the House would pass them with a suspending clause the Council would concurr them.

The House adjourn'd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment. The House taking under consideration the message from the Council in the forenoon relating to the act for appointing of petit Jurors and also of grand Jurors, are of opinion that they be sent back to the Council desiring that they may be past as they now are,—and accordingly sent a verbal message relative thereto by Messrs. Bell & Knight with the sd acts.

Whereas this House is of opinion that it is of the utmost consequence and Importance that the vote of this House of the nineteenth day April 1754 relative to the annuitys already purchased [p. 462.] or that may be purchased by John Thomlinson, Esq. agent for this Province at the Court of Great Britain by the moneys belonging to this Government, should as soon as possible be finished here and an authenticated copy thereof sent over unto the sd agent, which vote the House is inform'd is concurrd by the Council—Therefore Voted, that the following Message be sent unto his Excellency, Namely, That his Excellency be most earnestly desired to assent unto the said vote. Sent up by Mr. Knight & Mr. Stevens.

The Secretary Bro't into the House a message from his Excellency, as on file, in anwser to the message of this House this afternoon relating to the vote of this House of the 17th of April

last concerning ye annuitys purchased or y^t^ may be purchased by the moneys in his hands belonging to this Province.

Message of the Governor.

[Copied from MS. Gov^rs^ Messages, Vol. II, p. 135.]

Mr. Speaker &
Gentlemen of the Assembly

The Vote of the House referred to in your Message this afternoon of the 19th of April past, respecting appointing Trustees for the Louisbourg & Canada money, you must excuse me from consenting to at present (although it has been concurred by his Majesties Council) until I have his Majestys approbation of what I have already consented to, in regard to placing that money where it is, & from the revenue of which the Province is reaping an advantage.

B. WENTWORTH.

Council Chamber in
Portsm^o^ May 7th 1754.

Whereas it is judged expedient that the following acts should be printed, viz. The act for Regulating and Repairing of fences between Improved lands, pass'd the 28th of Sept. 1743, The act against Lotterys, That for Regulating ye Militia, That against Gaming and that ag^st^ Riots, Therefore Voted that the Same be printed at the cost of the Province and that Eleazer Russell Esq. be and hereby is desir'd to get the same printed, and furnish the Genl Assembly with one hundred of each, to be disposed of as they shall think proper, and that he be allowd for the same the [p. 463.] sum of Twenty Pounds new Ten^r^. to be paid him out of the money that is or shall be in ye Treasury—The Secretary furnishing him with copys thereof at the cost of the Province.

Sent up by Messrs Page & Sanders [Concurred.]

The House adjournd till tomorrow morning nine of the clock by order of the Speak^r^.

Wednesday May 8th 1754.

Met according to adjournment.

Voted That the Committee already appointed by the General Assembly to correspond with John Thomlinson Esq. for this Province at the Court of Great Britain be and hereby are desired, authorized and impowered to write unto the said John Thomlinson Esq. to desire that he will use his utmost endeavours to get two acts, viz. An act relating to the appointment of Petit Jurors and an act for the appointment of Grand Jurors lately passed by the Genl Assembly of this Province, with a suspending clause, allowed and approved of By his most excellent Majesty. Sent up by Mr. Knight. [Concurred.]

The Secretary brought into the House a letter from Coll. J. Blanchard Esq. (1) relating to the suppos'd fort building by the

(1) Coll. Blanchard's letter cannot now be found.—ED.

French at Coos and said that if ye the House had any thing to say relative thereto more than they had said, the Govr desired they would do it. Sent up by Mr. Knight.

Mem^o. The Bill of Lading and Invoice of Goods sent to New York for the six Nations by this Governm^t in ye year 1747, deliv-
[p. 464.] ered to Mr. Henry Sherburne jun, by order of the House.

The Secretary came into the House and said he was directed by his Excellency to adjourn the Genl Assembly till Tuesday the 16th day of July next, ten of the clock in the forenoon and accordingly adjourn'd the same.

Letter from Govr Shirley to Govr Wentworth.

[Copied from Prov. Rec., Book I, p. 273.]

Boston June 3^d 1754.

Sir—

I am to acknowledge to receipt of your Excell^s letter in which you acquaint me of the Hostilities lately committed by some Indians within your Governm^t; and have now to communicate to your Excell^y the following paragraph of a letter wch I received this morning from the Captain of Richmond fort upon Kennebeck River, viz. "Pessequeent one of the most lead-"ing Indians of the Norrigewalk tribe attended with three others, two of "wch were of the Penobscott tribe, and the other of Norridgewalk, cam to "this fort, and gave the following acc^t and said that they saw four Canada "Indians which were chief men of the Worenock Tribe, and y^t those four "chiefs deliver'd me (the Captain of the Fort) the following message, viz. y^t "Canghnwage, Assegunticook and Worenock three sundry tribes of In-"dians desir'd the English to take care of themselves, for that they *had "not forgott how the English had serv'd two of their countrymen about a year "ago near Connecticut river*, and said they are now going to pay themselves "for the loss of the above two Indians, *near a place call'd by the natives "Capuhchewack, where the Indians say there is a fort built, and some settlem^t "lately begun by the English on Connecticut River.*" This letter is dated May 24.

I propose to set out for Falmouth, where I shall be glad of meeting your Exc^y ab^t the 13th Instant. Colonel Mascarene will go with me as from the Gov^t of Nova Scotia.

I must intreat your Excel^y if Mr. Dummer's Treaty with the Indians in 1724 is not yet return'd by Col. Atkinson, y^t you would be pleas'd without fail to let me have it by the return of the Post.

I am with great esteem, Sir
your Exc^ys most humble and
most obedient serv^t

His Excy. Gov. Wentworth. W. Shirley.

Tuesday July 16th 1754.

A number of the House met, but not sufficient to make a house, [and adjourned by order of the Governor, till Tuesday the 23^d inst. 3 o'clock P. M.]

The Secretary, [then] bro't into the House a written message

from his Excellency and the Papers relating to ye Interview with the Indians at Albany & Casco Bay, and said that after the House [p. 465.] had perused the Interviews the Govr would have them lodg'd in the Secretary's office. The House adjourn'd till tomorrow morning nine of ye clock, by order of the Speaker.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, p. 139.]

Gentlemen of the Council
& of the Assembly.

I have directed the Secretary to lay before both Houses, the transactions of the General Congress held at Albany, also the Submission of the Norridgwalk & Penobscot Indians, at an Interview held at Falmouth by Governor Shirley, that you may acquaint yourselves with what passed at both interviews; when you have fully perused them, I must desire that the whole may be lodg'd in the Secretary's office.

B. WENTWORTH.

Council Chamber in
Portsmouth, July 23^d 1754.

Copy of the Treaty of Peace with the Penobscot Indians, July 6, 1754.

[Copied from MS. Corr. Vol. II. p. 115.]

We the subscribers being the chief men of the Penobscot Tribe, having heard the Submission and Agreement of the Eastern Indians, viz. the Penobscots, St. John's, Cape Sables, and other Tribes Inhabiting within his Majesty's Territories of New England and Nova Scotia, who were engaged in the War in the years 1723 and 1724, which was made and concluded at Boston, the fifteenth day of December 1725, between the Honble William Dummer Esq. then Lieutenant Governour and commander in chief of the Province of the Massachusetts Bay and John Wentworth, Esq. Lieutenant Governour and commander in chief of the Province of New Hampshire, and Paul Mascarene Esq. appointed by Laurence Armstrong Esq. Lieutenant Governour & Commander in chief of the Province of Nova Scotia or Arcadia of the one part, and the aforesaid Eastern Indians of the other part: Also the Submission and Agreement of the Eastern Indians, viz. The Penobscots, Norridgewalks, Arseguntcooks and Weeweenocks made & Concluded at Falmouth in Casco Bay on the sixteenth day of October 1749, between Thomas Hutchinson, John Choate, Israel Williams and James Otis, Esqrs. Commission^rs appointed by the Honble Spencer Phips, Esq. Lieutenant Governour & Commander in chief of the Province of the Massachusetts bay aforesaid, and Theodore Atkinson and John Downing, Esq^rs. Commissioners appointed by the Honble Benning Wentworth, Esq. Governour and commander in chief of his Majesty's Province of New Hampshire of the one part, and the aforesaid Eastern Indians of the other part, distinctly and deliberately read over and Interpreted to us: Do, by these presents in a publick and solemn manner, as well for ourselves, as for all the rest of our Tribes by whom we are Delegated and fully impowered for that purpose, Ratify and Con-

firm all and singular the articles contained in the aforementioned Submission and Agreements; and agree that the same and each of them shall be and remain in full force, efficacy and Power to all intents and purposes whatsoever.

Done and concluded at Falmouth in Casco Bay, before his Excellency William Shirley Esq. Governour and commander in chief in and over his Majesty's Province of the Massachusetts Bay in New England aforesaid, and his Majesty's Council of said Province, The Honble Paul Mascarene, Esq. Commissioner from the Province of Nova Scotia, The Honble Daniel Warner, Esq. Peter Gilman and Clement March, Esq. Commissioners from the Province of New Hampshire, and the several Gentlemen that subscribe their Names as Witnesses hereto.

Witness our hands and Seals this sixth day of July, in the twenty eighth year of the Reign of our Sovereign Lord George the Second, by the Grace of God of Great Britain France and Ireland King, Defender of the Faith, &c. Anno Dom. 1754.

Ausong—his mark and Seal
Nooduit—his mark and Seal
Baparemit—his mark and Seal
Tersock—his mark and Seal
Ahenquid, his mark and Seal
Macque alias Michael, his mark and Seal.
Espegueant, his mark and Seal
Saukees, his mark and Seal
Espeguserat, his mark and Seal
Sooseph, his mark and Seal
Pierre, his mark and Seal
Arexes, his mark and Seal

Witnesses present

Thomas Hubbard
Wm. Brattle
Ezra Richmond
Thos Clap
Samuel Livermore
Wm. Bowdoin
John Storer
Edward Milliken
Job Lewis
Charles Brockwell
Samuel Moody
Wm. Sever
Fran^s^ Wells jun.
Wm. Lithgow
Moses Pierson
John Ernest Knockel
Ezekiel Price.

NOTE BY THE EDITOR.

No papers are found in the Secretary's office relating to the Interview with the Indians at Albany but "the Proceedings of the Colonial Congress" held there, from June 19th, to July 11th 1754, are fully reported and contained in Vol. VI. pp. 853—892, of *Documents relating to Colonial History of New York*,—which see in State Library of New Hampshire.—ED.

Wednesday July 24th 1754.

Met according to adjournment. The Secretary brought into the House ye Petition of Jeremiah Clough, William Miles &c. Also the Petition of Jonathan Palmer.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment—[and adjourned till]

Thursday July 25th 1754.

Upon reading the Petition of Jeremiah Clough William Miles &c. Voted that it be dismiss'd.

Upon reading the Petition of Jonathan Palmer Voted, That the Petitioner be heard on the said Petition on the third day of the sitting of the General Assembly next after the first day of October next and that the Petitioner at his own cost serve the Selectmen of Northampton with a copy of the sd Petition and of the orders thereon, that they may shew cause, (if any they have) why the Prayer of the Petition should not be granted. Sent up by Mr. Knight.

[p. 466.] Mr. Secretary brought into the House the Petition of James Marden and Joses Philbrook, Selectmen of Rye, the Petition of Thomas Simpson of Nottingham, and the Petition of Nathan Hale, Esq. of Newby. Also the Petition of Clemt March, Esq. &c. agents for the Proprietors of Bow.

Whereas Clement March, Esq. Daniel Pierce Esq. and Mr. Zebulon Gidding, as agents for the Proprietors of Bow have Petition'd the Genl Assembly of this Province to lend them the sum of one hundred pounds sterling money, to enable them to carry on a suit before his Majesty in Council, now depending there between one Merril and the sd Proprietors, (1) and signified in their Petition that they are ready to give such security for the Repayment thereof as the Genl Assembly shall please to order:—

Therefore Voted That Theodore Atkinson, Richard Wibird and Meshech Weare Esqrs. and Mr. Henry Sherbern, junr. be and hereby are appointed a Comtee they or the major part of them to draw a Bill in favor of the Petitioners on John Thomlinson Esq. agent for this Province at the Court of Great Britain for the sum of one hundred Pounds sterling of the Interest in the hands of the said John Thomlinson, Esq. belonging to this Government, and that the said Clemt March, Daniel Pierce and Zebulon Giddinge [p. 467.] give security unto the sd Comtee for the payment of the sum of three hundred Pounds Bills of Credit new Tenr on this Province within one year from the date of sd Bill to be by them drawn as aforesd with six pr cent Interest in like Bills and that the sd Com-

(1) See Bouton's Hist. of Concord, pp. 208—225.

mittee put the s^d^ Principal and Interest, when rec^d^, into the Treasury of this Province (taking a Receipt for the same) and that the same be burnt to ashes in the face of the Genl Assembly in order to sink so much of the Bills of Credit of this Province emitted for carrying on the Intended Expedition against Canada. Sent up by Esq. Macmurphy. [Concurred.]

Upon reading the Petition of Joses Philbrick and others, Voted that it be dismist.

Upon reading the Petition of Thos Simpson, Voted that it be dismiss'd.

Upon reading the Petition of Nathan Hale, Esq. (a) Voted that the Petitioner have liberty to bring in a Genl Bill, having a clause or Paragraph therein, which may answer the prayer of the Petition^r^. Sent up by Mr. Hale.

(a) "Praying an Act might be passed Enabling the said Hale to revive an action of Ejectment against the Executors of Obadiah Perry which was discontinued at his Maj^tys^ Superior Court of Judicature in August last by reason of the death of the said Obadiah, while the s^d^ action was Depending." Jour. C. & Ass. July 25, 1754.

The Secretary came into the House and said he was directed by his Excellency to Prorouge the Genl Assembly till the twenty [p. 468.] ninth day of October next and accordingly in his Majesty's name prorogued the same.

NOTE.

Before the day of the General Assembly's sitting on the twenty-ninth of October, 1754, to which it stood prorogued, it was by Proclamation further prorogued to the twenty-sixth day of Novem^r^ 1754. Then Met and Adjourned till Wednesday, Nov. 27th 1754; again adjourned to Dec. 3^d^, and again to Decr 4th. 1754. In the mean time, however a SPECIAL CONVENTION of the General Assembly was called, at which important business was transacted.

SPECIAL CONVENTION.

[Copied from MS. Corr. Vol. II, p. 119.]

Province of New Hampsh^r^.

At a Special Convention of the General Assembly at Portsmouth in the Province of New Hampshire the 21st day of Augt 1754, in Pursuance of an order from his Excellency the Governor to the Sheriff of s^d^ Province to summon the members to meet—as on file—

Present.

The Honble Meshech Weare Esq.	Thos. Bell, Esq.
Thos Millet, Esq.	Capt. Israel Gilman
Maj^{r} Thos Davis,	Richard Jenness, Esq.
Capt. John Wentworth	Mr. John Knight
Peter Gilman, Esq.	Mr. John Tuck
Mr. Zeb. Gidding	Mr. Joseph Philbrick
Mr. Benj^{a} Stevens	Mr. Henry Sherburn jun.
Mr. Thos Wiggins.	Elea^{r} Russell Esq.
Clement March Esq.	Matthew Livermore.

Members of his Majesty's Council who attended the Special Convention.

Henry Sherburne	Samuel Smith
Theodore Atkinson	Sampson Sheaffe
Jno. Downing	Daniel Warner
Richd Wibird	Joseph Newmarch.

The Secretary bro't into the House a message from his Excellency—as on file—and three letters relative to the mischief done by the Indians at Baker's Town(1) so called, and said the Govr tho't it best for the members of the Council and of the House of Representatives to confer together upon this occasion as it might have a tendency to expedite and facilitate the affairs now to be considered of.

Governor's Message.

[Copied from MS. Gov^{rs} messages, Vol. II, p. 143.]

Upon a special Convention at Portsmouth, August 21st 1754.

Gentlemen of the Council
and of the Assembly

The distressed state of his Majesty's Subjects on the frontiers, more particularly the repeated Hostilitys committed by the Indians at a place called Stevens Town, demand your closest attention and speedy assistance; the accounts I have had from thence the Secretary will lay before you.

By the advice of his Majesty's Council I have afforded the distressed people for their present security, a detachment from the regiment of Coll^{o} Downing, of fifty horse, which detachment I have an account moved yesterday morning and to relieve the horse, I have directed Coll^{o} Blanchard by Express, to Inlist or Impress fifty men out of his regiment, but as it was not in my power to engage pay & subsistance for want of a proper fund for that service in the Treasury, I am doubtfull whether the foot will be prevailed upon to march.

As Captain General I am invested with power to assemble the Military force within my Government upon many occasions, but neither horse nor

(1) This was the place, now Franklin, where the two Indians, Sabbatis and Plausawa, were murdered the year before by Bowen: called *Baker's* town as originally granted by Massachusetts, but as afterwards granted by the Masonian proprietors called *Stevens* town, from Ebenezer Stevens one of the original grantees from Kingston, N. H.—Ed.

foot can be sent under arms more than twenty-hours, or perform remote marches, unless they are paid & subsisted.

I have not been wanting in my duty in a point so essential to the well-being of all Governments, to press the Assembly from time to time to make this salutary provision for the defence & safety of the frontiers, by placing requisite sums of money in the Treasury to be used only on Emergencys & unforeseen exigencys, but hitherto I have not succeeded therein, which makes a great defect in the administrations of Government.

In this season, I am now under a necessity of convening the members of the General Assembly at this unseasonable time and to call upon you for your advice and assistance, in what manner I shall afford protection to the exposed frontiers, both with respect to the number of troops and the method of paying and subsisting them.

After you have deliberated on the important occasion of your Convention, and have agreed upon your advice, I hope you will think it proper to have it signed by the Secretary in behalf of his Majesty's Council & by the Speaker in behalf of the Assembly, engaging to perfect what is wanting, at the next meeting of the General Assembly, which will give weight to your advice.

B. Wentworth.

Portsmouth, 21st Augt 1754.

Governor's Letter.

[Copied from MS. Govrs Messages, p. 141.]

Little Harbour, 21st Augt 1754.

Sir—It was my intention to have been at the Convention this day, but upon the method I have put the business to be transacted at this Convention I shall have no part to bear in it, so shall only rely on the advice I receive & I think it will be safest to have it done in the manner I have mentioned in the enclosed message. One hundred men with pay & subsistance is the lest they can advise to, for two months if needfull.

I have desir'd Mr. Livermore to call on you to whom you are to shew my message & if you & he agree on any alteration or addition for the public service you are to make it.

I must see the Speaker on account of the Court before he goes out of Town.

I am, Sir, your humble servt.

B. Wentworth.

I have mentioned to Mr. Livermore the propriety of Councils sitting together on this occasion, as it will certainly shorten the work & possibly may be the cause of making better work.

B. W.

As you are to read my message to the Council & Assembly it will not be improper to remain together on this occasion.

[Probably written to Secy Atkinson.]

The House sent a message by Doct March to the Council to advise ym that they were ready to confer with them.

Upon which there was a Conference between the Council and the members of the House, after which the members adjourned till to morrow morning nine of the Clock.(a)

(a) Jour. of C. Ass^{m}. Aug. 21 & 22^{d} 1754. A conference was held in the Assembly Chamber and the method of Proceeding Discoursed of, and agreed to meet again on the morrow.

Accordingly the Council met again on Thursday the 22^{d} Instant as Entered yesterday and proposed that a member of Each house wait upon his Excellency & confer with him about the premises, P. M.

Thursday, Augt 22^{d} 1754.

The members met agreeable to adjournm^{t}

Present

The Honble Meshech Weare, Esq.	John Macmurphy Esq
Capt. Thos Millet, Esq.	Mr Jno. Knight
Maj^{r} Thos Davis	Mr. Jno Tuck
Capt. John Wentworth	Mr. Joseph Philbrick
Mr. Zeb. Gidding	H. Sherburn, jun. Esq.
Capt. Israel Gilman	Eleazer Russell Esq.
Mr. Benj. Stevens	Matthew Livermore
Mr. Thos Wiggin	Richd Jenness Esq.
Peter Gilman, Esq.	Mr. Joseph Thomas
Doc^{r} Clem^{t} March.	Mr. Jon^{a} Lovewell

Mem^{o}. John Macmurphy Esq. came to Town yesterday after the Convention broke up.

[The following Paper was copied from MS. Papers in Sec^{ys} office, labeled "Towns," Vol. VI. p. 195.]

Province of }
New Hamp^{r} }

At a special Convention of the members of the Genl Assembly at Portsmouth on ye 22^{d} day of Augt 1754 in Pursuance of an order from his Excellency the Governor to the Sheriff of s^{d} Province to summon the members to meet, as on file:

Whereas his Excellency the Governor by his message of the twenty-first Instant takes notice of sundry Hostilitys committed on sundry of his Majestys subjects at a place called Stevens-Town within this Province by Indians (supposed to be of the St. Francis Indians) and that the Inhabitants on the Frontiers are much exposed and so put in fear that they stand in need of protection and help—Therefore it is agreed upon by the members of the House of Representatives that there be the number of sixty men enlisted or Impressed (and his Excellency is hereby desired to give orders for the enlist^{g} or Impress^{g} y^{t} number) for the protection and defence of the Frontiers, not exceeding the space of two months, and that the allowance for their pay, subsistence and ammunition be the same as at the latter end of the last Indian war, and in order for a

fund, therefor, it is further agreed that there be so much of the Bills of Credit of ye Interest of the Twenty five Thousand Pounds Loan in the hands of the Treasurer, borrowed as will be sufficient for the same; and that for the replacing the same in the Treasury it is further agreed, that there be a tax laid on the Polls and estates within this Province agreeable to the last proportion, to be paid by the 30th day of Decemb^r^ 1755, and that there shall be a tax Bill for that end as soon as the Genl. Assembly shall be in a condition to act in a legislative capacity.(a)

Meshech Weare, Speaker.

(a) Joun. Coun. Aug. 22^d^. Mr. Macmurphy from the House bro't up to the board an agreement made by the members of Assembly, and acquainted the Board that ye members desired the Council would Peruse the same and if approved of to send it back to the members that the speaker might sign the same in behalf of the members—which was read and approved of & sent down & returned by Mr. Macmurphy again, signed by the Speaker, which being read again at the board was concurred, and the Secretary ordered to sign the same.

Then the Convention broke up.

The House having considered of the matters laid before them by his Excellency the Convention broke up. (1)

NOTE.

[A second special Convention was called and held at Portsmouth on the 6th day of September 1754.—ED.]

[Copied from MS. Corr. Vol. II, p. 137.]

Province of New Hamp^r^.

At a Special Convention of the Genl Assembly at Portsmouth in the Province of New Hampshire on Fryday ye 6th day of Sep^t^ 1754, in pursuance of an order from his Excellency to the Secretary, and from him to the Sheriff to Notify the members of Assembly to convene at Portsmouth at twelve o'clock this day upon extraordinary affairs as pr Certificate from the Secretary, as on file:

Present

The Honble Meshech Weare, Esq.	John Page Esqr.
Capt. Thos. Millet, Esq.	John Macmurphy Esq.
Maj. Thos. Davis	Clem^t^. March, Esq.
Capt. John Wentworth	Mr. Jno. Knight
Peter Gilman Esq.	Thos. Bell, Esq.
Mr. Zebulon Gidding	Mr. Jona. Tuck
Capt. Israel Gilman	Eleaz^r^ Russell, Esq.
Matthew Livermore	Richd Jennes Esq.

Henry Sherburne, jun. Esq.

(1) The three letters referred to in his Excellency's message have not been found; but the facts embraced in them are contained, probably, in Council Records, pp. 25-28 of this volume; (also see Journal of the House.) The reader is also referred to Belknap's History of N. H., (Farm. Ed.) Vol. I., p. 311.

Message of the Governor.

[Copied from MS. Gov^rs Messages, Vol. II. p. 145.]

At a Special Convention at
Portsmouth, Sep^t. 6th 1754.

Gentlemen of the
Council & Assembly—

It was advised, at the late Special Convention of the members of the General Assembly that provision should be made for Sixty men for the safety & protection of the Frontiers, & I was then hoping that provision would have answered all occasions, but the depredations & hostilitys committed by the Indians since on the Western frontiers of this Government on & near Connecticut river & in the western frontier of the Massachusetts Bay, as you will be fully informed by the Papers which the Secretary will deliver to you, together with the applications from diverse parts of the Government for succor & protection, which the Secretary likewise will lay before you, makes it necessary for me to convene you at this time, for your further advice & assistance, more especially as his Majesty's Council has advised to it, in a particular manner, as the only expedient to enable me to afford such assistance as the distress'd & exposed situation of the frontiers at present calls for.

The hostile appearance of the Indians in so many of his Majesty's Governments, and in such numerous partys, is unusual even in time of war & the revenge they pretended to seek for the loss of two of the St. Francis tribe plainly show the artfull design of the French, and that these repeated hostilities did not arise from that supposed murther, but from the views the French have in setting Boundarys to all his Majesty's Governments & that the Indians are to be the Instruments to carry this design into execution unless they can be restrained.

Upon these heads I have wrote pressingly to Governor Shirley setting forth the necessity of adviseing together in a matter of such importance to the crown—not doubting of your support & assistance, when I meet you in General Assembly to enable me to Execute effectually any measures that we shall agree upon to render the designs of the French abortive.

B. Wentworth.

Council Chamber in
Portsmouth, Sept. 6th 1754.

Saturday, Sep^t. 7th, 1754.

Present, [as before, except Peter Gilman, Esq.]

Whereas his Excellency the Governor by his message of the sixth Instant mentions the appearance of a great number of Indians in sundry places within this Government as well as in some of his Majesty's other Governm^ts in a hostile manner and that sundry Hostilitys and depredations have lately been committed by them in the western parts, and laid before the House sundry letters from Diverse places relative thereto, and it appearing that there is a necessity of a further supply of men for the protection and Defence of the Frontiers, Therefore it is agreed upon by the members of this House of Representatives, that there be the number of Fifty men enlisted or Impressed (and his Excellency is hereby desired to give orders for the enlisting or Impressing that number for the Protection and Defence of the Frontiers if

he shall judge it necessary) not exceeding the space of six weeks from this day and that the allowance for their Pay, subsistance and amunition be the same as at the latter end of the last Indian war; and for a fund for the Same It is further agreed that there be so much of the Interest of the Bills of Credit of ye Twenty-five Thousand Pounds Loan in the hands of the Treasurer borrowed, as will be sufficient therefor, and that for the Replacing the same in the Treasury, it is further agreed, That there be a Tax layd on the Polls and Estates within this Province agreeably to the last proportion to be paid by the thirtyeth day of Decemb^r^ 1756, and that there shall be a Tax Bill for that end as soon as the General Assembly shall be in a condition to act in a Legislative capacity.

Meshech Weare, Speaker.

Province of New Hampshire—

In Council September 7th 1754

The foregoing agreement of the members of Assembly being read in Council was agreed to & ordered that the Sec^ry^ sign the same in their behalf.

Theodore Atkinson, Sec^y^.

The House having consider'd the matter laid before them by his Excellency, the Convention broke up.

NOTE.

[The extent of Indian hostilities about this time will appear from the following Documents & letters.—ED.]

Indian Troubles at Stevens-Town and Vicinity.

[Copied from MS. Vol. in Sec^ys^ office, labeled "Province and Revolutionary Papers," pp. 15-19.]

James Lindsey of Canterbury in the Province of New Hampshire of Lawful age Testifies & says—That in May 1752 Sabbattis & Cristo two Canada Indians came to Canterbury aforesaid and after about eight Days Tarry went off—That the same evening after his Negro man Tom (of the value of six hundred Pounds old Tenor at the least) was captivated with a negro man belonging to Josiah Miles of Canterbury named Peer—

That about three Days after Peer made his escape and Return'd, who said That Sabbattis & Cristo took them—The Depon^t^ afterwards was Informed That Sabbattis had sold the said Tom at Crown Point to the French—That some time in May 1753 said Sabbattis came to Canterbury aforesaid and after the Depon^t^ had some conversation with him about his Robbing him of his negro,

Sabbattis said that it was war with the St. Francis Tribe they had made no Peace, & the negro was Lawful Plunder—The Depon^t has not since received his negro nor had any satisfaction.

Province of
New Hampsh

Canterbury May ye 21st 1754 after careful examination & Due Caution to Testify the Truth the Said James Lindsey made Solemn Oath to the truth of the afore written Deposition before
Joseph Blanchard—
Jus. of ye Peace.

William Stark of a place called Starks Town in the Province of New Hampshire of Lawful age, Testifies & says That on the 28th Day of April 1752 he was in company with John Stark, Amos Eastman & David Stinson on a Branch of Pemigewasset River about eighteen miles from Steven's Town so called—That the same Day towards night the Indians captivated John Stark—

That the next morning soon after Break of Day they captivated Amos Eastman and fird on the Deponent and David Stinson in a cannoe, kill'd the said David scalp'd & stript him, the fire miss'd the Deponent & he escaped and the Indians carried the said two captives away—That it was upwards of three months before the said captives Return'd—The Plunder the Indians then took from the Deponent & his said company was of the value of Five hundred & sixty Pounds old Tenor at the least for which he has received nothing.

Province of New
Hampshire

Penicook May the 23^d 1754 the afore named William Stark made Oath to the afore written Deposition before
Joseph Blanchard
Just. of peace.

A copy Exam^d
P. William Parker Not^y Pub.

Lieu. William Miles of Canterbury in the Province of New Hampshire of Lawfull age Testifies & says—That sometime in May 1752 a Canada Indian named Sabbattis came to Canterbury, in Conversation told the Depon^t there was not a Peace made Between the St. Francis Indians & the English, tho' for his own part pretended friendship. That a few days after at Canterbury a

Negro man named Peer a slave of Josiah Miles's and another Named Tom Belonging to James Lindsay both of Canterbury were Captivated. After a few days Peer made his escape got home, & said Sabbattis & Cristo took them—Tom is not returned to this Day—

That afterwards in May 1753 the said Sabbattis came to Canterbury again with an Indian Named Plausaway of the St Francis Tribe—Sabbattis then told the Deponent with menacing words and Gestures that he took the aforesaid two Negroes & had sold Tom to the French for three hundred Livres at Crown Point and Justified his Right in taking them.

Province of New Hampshire } Canterbury May 21st 1754 the above named William Miles made oath to the truth of afore written Deposition before—
Joseph Blanchard, Just. of Peace.

William Emery of Contoocook in the Province of New Hampshire of Lawful age—Testifies & says—That on the Tenth Day of May 1754 his wife being Ill and People afraid to tarry to take care of her there being an Out-house moved her into Town with the rest of his family about five miles—the next morning he Returned to his House & found it Plundered, what of his Goods was not carried off was spoilt, of the value and to his Damage Two hundred Pounds old Tenor at the Least and the same time found Nath[l] Maloons Horse tyed by his said House which Maloon his wife Rachel his two Daughters Rachel & Sarah & son Samuel were captivated & carried away by the Indians and of clothing Bedding & Provisions of the value of two hundred & thirty Pounds old Tenor at the least.

Province of New Hampshire } Contoocook May 22[d] 1754 the above Named William Emery, made oath to the truth of the afore written Deposition before

Joseph Blanchard Just. of Peace.

A Copy Exam[d]
William Parker, Not. Pub.

Elizabeth Miles Wife to *Josiah Miles* of Canterbury in the Province of New Hampshire Testifies and says—That some time in the month of May 1752 two St Francis Indians (as they called

themselves) named Sabbattis & Cristo came to Canterbury. Sabbattis made his General Lodging at the said Josiah's House for eight or Ten Days & was Treated with all Possible Friendship & Courtesy. Notwithstanding the said Sabbattis often Discovered a Restless & Malicious Disposition & Several times (Her husband being absent) with Insulting threats put her in very great Fear. Constantly kept a long knife Naked in his hand and on seeing any man come towards the House (of which he kept constant watch) arm'd himself—That the evening after he went away a Negro man of the said Josiah's was taken (named Peer) and another belonging to James Lindsey of Canterbury aforesaid Named Tom and carried away said Peer of the value of five hundred pounds old Tenor at the least.

That the said Peer about three days after return'd pinion'd & Bound with Indian Lines and said that Sabbattis and Christo had taken them and that by accident he made his Escape.

That sometime in the month of May 1753 she was going to the field and an Indian (named Plausway) spoke to her behind a Fence and asked for her husband who was then at work close by, her husband enquired what company he had and he said Sabbattis he enquired what he came for or how he dare come (meaning Sabbattis) he evaded an answer, her husband Desired him to go into the house, (being vehemently suspicious they were design'd for Further mischief, where he kept him that night and urged the appearance of Sabbattis, Plausway said he was afraid that he or Lindsey would kil him for Stealing their negroes the year Before.

That after assurance that if he made his appearance he should not be hurt Next day searching in the woods found him and after a parley he came in—

The wife of James Lindsey a near neighbor, hearing the Indians was there came to the house (the Englishmen were all gone out to work) and finding Sabbattis there said Lindseys wife urged his Ingratitude that after he had received so much kindness at their house to commit such a Villainous Act as to Rob her of her slave with some Few words more to the same Purpose Both the Indians immediately armed themselves with their guns Sabbattis with a Long knife and Plausway with a Hatchet and with a furious Gesture Insulted her holding the Hatchet over her head making attempts as if he would strike and told her if she said one word more about it he would split her brains out if he died for it the next minute—Sabbattis went out to her husband in the field and told him that if he ever see the said Lindseys wife any more he would kill her be the event what it would (as her husband then told her) that the said Sabbattis insisted that the said Negro was Lawfull plunder the Deponent sold the said Indians two shirts an happened to see them when they shirted and there was next their skin Tyed a Number of Small Metump Lines not such as are usually made for Tying Packs—a Collar of a Length about sufficient to

go around a Man's Neck and as she then apprehended was what is called Captive Lines—

That the Deponent and her husband frequently seeing them uncommon Lines Asked what Business Sabbattis and he could have there as they had not brought their packs for trade—at length Plausway said he had a kinsman (named Sabbattis) who had at Cape Sable killed an Indian and that they agreed for his Redemption (being held by them) to pay five hundred pounds or get an English slave.

That Sabbattis being his Names sake offered to assist him in the redemption and said the Hunting was best this way That the Indian must be released by the money or other ways (by Sumer) or he must be put to Death.

Province of New Hampshire } Canterbury May 21st 1754.

The afore named Elizabeth Miles made oath to the afore written Deposition Before Joseph Blanchard Just. of Peace.

A Copy examined by
William Parker, Not. Pub.

Amos Eastman of Pennicook and John Starke of Starkstown Both in the Province of New Hampshire of Lawfull age Testify and say—

That on the 28th Day of April 1752 they were in Company with William Starke of Starkstown and David Stinson of Londonderry on one of the Branches Pemmigawasset River about eighteen miles from Stevenstown, and that on the same day towards night the Indians captivated the said John and the next morning soon after Break of day captivated the said Amos and fired on David Stinson & William Starke killed scalped and striped the said David and the said William made his escape and carry'd the Deponents both to Cannady who did not return till the sixth day of August then next—

That the stuff the Indians then took from the Deponents and their company was of the value of Five hundred and sixty pounds at the Least (Old Tenor) for which they have had no Restitution—

That the said Amos was sold to the French and for his Redemption paid sixty dollars to his master Besides all his expence of getting home—

That the said John Purchased his Redemption of the Indians for which he paid one hundred & three Dollars besides all his expences getting home—

That there was ten Indians in company who captivated the Deponents and Lived in St. Francis—they often told the Deponants it was not peace One Francis Titigan was the chief of the

scout there was in their scout one Named Peer they called a young Sagamore that belonged to St. Francis—

And the Deponents further say that in their Return from Canada they were at Crown Point a Negro man named Tom was there who told them that he was captivated at Canterbury that year by Sabbatis and Christo and that they sold him to a Frenchman at that Fort for Four hundred Livers which sum Capt Phinehas Stevens and Mr. Wheelwright then offered for his Redemption in order to return him to his master James Lindsay but the Frenchman his master refus'd his Liberty unless they would pay him six hundred Livers which they refused to Do—

Province of New Hampshire } Pennicook May 23d 1754.

The above named Amos Eastman and John Starke made Oath to the truth of the aforewritten Deposition

Before

Joseph Blanchard Jus. of Peace.

A Copy examined by William Parker, Not. Pub.

Nathaniel Maloon the son of Nathaniel Maloon of Stevenstown in New Hampshire aged about 14 years Testifies and says—

That at Stevenstown aforesaid on the 11th day of May 1754 in the morning before sunrise his Father set out Designing to go to Pennicook a place of about twenty miles distant whose road went by the house of Mr William Emery of Contoocook That the same morning about nine of the clock the Deponant was at work in his Fathers field and saw a number of Indians he thought ten or a dozen running to the house, and two took after the Deponant, but a thicket near was Quick out of sight and made his escape and hid not far off Sometime afterwards heard his Father call him sundry times—

That after he supposed the Indians Drawn off, made his escape to Contoocook.

Province of New Hampsre } At Contoocook the 22d of May 1754.

The above named Nathaniel Maloon made solemn oath to the afore written Deposition—

Before Joseph Blanchard Jus. of Peace.

Ann Lindsey the wife of James Lindsey of Canterbury in the Province of New Hampshire Testifies and says—

That a Negro man named Tom belonging to her husband at

Canterbury aforesaid sometime in May 1752 was captivated by the Indians and carried away—

That some time in May 1753 a French Indian named Sabbatis who captivated the said Tom came to Canterbury aforesaid to whom the Deponant said, Sabbatis how could you thus Rob me of my Negro when I have always been as kind to you as a mother and done so many good things for you this many years. How can you have the Face to appear had you been in my Country (meaning Ireland) and had stole 13$^{d}\frac{1}{2}$ you would have been hanged for it —on which Sabbatis and Plauseway an Indian of his Company Immediately Catch'd their guns Sabbatis drew a Long Knife and Plauseway a Hatchet and held the Hatchet over the Deponants head with a most Furious Gesture made attempts as if he would strike saying if you speak one word more (meaning the Deponent) Ill split your Brains out and repeated the expressions many times with many other Insulting speeches—

Province of }
New Hamp^{r} } Canterbury May 21st 1754.

The above named Ann Lindsey made Oath to the truth of the aforewritten Deposition—

Before—Joseph Blanchard, Jus. of Peace.
A Copy Exam^{ed} by William Parker Not. Pub.

John Flanders of Contoocook in the Province of New Hampshire of Lawfull age Testifys and says—

That in May 1753 an Indian named Plauseway came to Contoocook aforesaid exulting and telling of his Frequent coming to that place in the war how many he had killed and taken Merrymack in the war—The Deponent told him that in the Fall he intended to Catch him some Beaver to make him a hat and asked Plauseway if he would hurt him if he see him who answer'd yes if he found him a hunting he would kill him and earnestly repeated it several times—

And the Deponent further says That on the 11th day of May 1754 in the Forenoon at Contoocook aforesaid William Emery came to the Body of the Town and Informed that somebody had that morning broke open his house taken many things and spoiled others, a house his family had moved from the night Before all his Cloathing (his Beds empty'd and ticks cut to pieces) and suppos'd it to be Indians the Deponent and others Immediately went found the house strip'd & Plunder'd to the said Emery's Damage at least Two hundred Pounds old Tenor—

That they proceeded to the house of Nathaniel Meloon in Stevenstown so called which was about six miles Farther and met with said Meloon's Eldest son who gave account of the Indians that day captivating his Father and Mother and three children who return'd

with the scout to his Fathers house where they Found it plunder'd and strip'd and by the best accts the Deponent could get of the things missing broke and Cutt to pieces was of the value and to Maloon's Damage at least two hundred and thirty pounds old Tenor.

Province of }
New Hamp^re } Contoocook May 22^d 1754.

The above named John Flanders made Oath to the truth of the aforewritten Deposition

Before Joseph Blanchard, Just. Peace.
A Copy Exam'd by William Parker, Not. Pub.

To His Excellency Benning Wentworth Esqr Governor & Commander in Chief in & over his Majestys Province of New Hampshire.

The Memorial of John Stinson of Londonderry in said Province Humbly Shews.

That your Memorialist would Repeat his application and Remonstrate to your Excellency That on the 29th of April 1752 his son David Stinson was in the Kings Peace & about his Lawfull Business in this Province. That it was after a Peace concluded on & finished with the French King & all his subjects with the King of Great Britain and his subjects.

That on the same 29th of April a Party of Indians who acknowledge themselves the subjects of the French King belonging to the St Francis Tribe without any manner of Provocation shot upon kill'd Scalp'd & Strip'd your said Memorialists son David in a hostile Murderous & Wicked manner and Robbed him of his effects there in Company with three others of the value of Five Hundred & Sixty Pounds at the Least Old Tenor.

And inasmuch as he is Informed that in a short time there's to be an Interview with the said Tribe your memorialist would most humbly address your Excellency, That the Actors in that Horrid Murder & Robbery may be bro't to Justice & Restitution made, or that the Government on their Refusal may pay a Proper Resentment for such Barbarous usage to one of their Fellow subjects and that our Lives & Estates may be better Secured for the Future.

And your Memorialist as in Duty Bound shall ever pray.

his
John ⋈ Stensons
mark

A copy Exam^d

P. William Parker, Not. Pub.

To His Excellency Benning Wentworth Esq. Governor and Commander in Chief in & over His Majesty's Province of New Hampshire.

William Stark, John Stark, and Amos Eastman Inhabitants of the Province aforesaid would most Humbly Repeat their Remonstrance to your Excellency—That the Latter end of April 1752 they were on one of the Branches of Pemigewasset River about Eighteen Miles from Stevens Town within the undoubted Limits of his Majesty's Dominions in New Hampshire in the Kings Peace & about their Lawful Business.

That ten of the Indians belonging to the St Francis Tribe came there who they seasonably Discovered, gave them no offence but had it in their Power to destroy them—or Defeat their Enterprise, but esteeming it a time of Peace with all the Indians who own themselves the subjects of the French King—Free from Expectation of any Hostilities being committed against them peacably applied themselves to their Business till ambushed by the Indians who killed Scalp'd & Striped David Stinson one of their Company, Captivated the aforesaid John & Amos, & Shot at the said William who escaped carried the said Captives to Canada and at the same time took the Goods & effects of your memorialists and said David Stinson in Company of the Value of Five Hundred & sixty pounds at the least old Tenor.

That it cost the said Amos & John One Hundred and three dollars for their Redemption besides all charges getting home & Loss of time.

That they are Leige Subjects to the King & Done their part for the Protection of Government, and esteemed Themselves by the Laws and Intentions of this Province Restrained from making Reprisals for their Satisfaction tho' it might happen in their Power from the same Tribe.

They Humbly apprehend they have a Right of Restitution from ———— and inasmuch as they are Inform'd, that the said Tribe is to meet this Government in a short time at Casco Bay to Discuss some Points of Debate between that Tribe & this Government We Humbly hope the countenance and aid of this Province for our Redress & satisfaction for all Damages, from the Indians, out of the Treasury, or in some other justifiable way.

Wherefore we most humbly address your Excellency that you will countenance & aid our Relief that Restitution may be made—and that our Lives Liberties & Estates for the Future may be Defended against such unjustifiable Insults & Losses & that we may share in the Liberties of Englishmen and your memorialists shall ever Pray

May 21st 1754.

William Stark
Amos Eastman
John Stark

A Copy Exam^d p. William Parker, Not. Pub.

Indian Hostilities.

Letter from Elisha Chapin to Coll. Israel Williams.

[Copied from MS. Corr. Vol. II. p. 123.]

Fort Massachusetts,(1) August 29, 1754.

SIR,

We have the account of the Indians very different from what I wrote before. There was not long since a number of Canada Mawquas Indians in at Albany and declared their Friendship to all this Country, and when they got back last Week to Crown Point they heard there was 150 of the Aaroontooks and Annaugoun-goes was come away from Crown Point and they never met them on the Lake, two of them ran back to the Carrying place and gave Mr. Vanderider a Belt of Wampoon to show their Fidelity and the Truth that that army was come down upon Sariatogo and Hoosuck and our Newtown excepting 20 of the army they supposed was gone East to some part of New England. Last Tuesday I sent some men down to Hoosuck to get some meal, they could not all get grinding that day. I stayed till yesterday and there came to the Mill 4 or 5 Stockbridge Indians that came from Wooloomscock and told them they see no signs of any Enemy, but before they went away the Indians told them they must not stay there, they told the Indians they must get Meal first, they said you go quick and so went off for Stockbridge, the men came here safe, a Dutchman that brought his Family to the Fort was agoing to the Mill and designed to be at the Fort last night, lef two Boys in the Field the Boys saw a House on fire not far off and made to the Fort and found one of their Neighbors and told him they saw a House on Fire, he went on the Hills and saw the Smoaks arise almost all over the Town, and that Dutchman that went to the Mill is not come, we have great Reason to think is fell into the Indians hands, and many more poor people that ly in the Woods in the night and go into the field in the day that we hear nothing off. I sent a scout this morning to see what they can find as private as they can. This is the directest account I can get at present. There went down to Hoosuck this morning to [two] of the West Town men and find it all in ashes, except five of the nearest houses to the Fort, the Scout I sent is not returned, they design to lie out and make the furthest discovery that they can, this afternoon there was 4 or 5 Indians tracked within 2 or 3 miles of the Fort. tis thought by the Dutch that the main part of the army is gone off,—from

Your very humble servant to
command
Elisha Chapin.

Col° Israel Williams
True copy—Attest, Thos. Clarke, Dp^ty Secr^y.

Letter from Col. Williams to Hon. Joseph Willard, Sec^y, Mass.

[Copied from MS. Corr. Vol. II, p. 147.]

Springfield, August 31, 1754.

Sir—Herewith I send you Capt. Chapin's account of the mischief done by the Indians at Hoosuck. The man that came from the Fort with the Letter, says two men came into the Fort as he was coming away, one wounded and that one who was with them was killed.

(1) Fort Massachusetts was in the town of Adams, in the western part of Massachusetts. "The remains of the old fort are still to be seen on the north end of Saddle Mountain, erected as a defence against the savages." Harper's Univ. Gaz. "Adams."—Ed.]

Last week five Indians came to Suncook,(1) informed of the Indians coming out, upon which the People removed and thereby saved their lives.

The People in the Frontiers are put into the greatest consternation, and but few if any will continue. Our Infant settlements will be again ruined. They are not able to make scarce any resistance.

If the People at Pentoosuck, Charlemont, Cold-rain and Fall Town could have protection, I shou'd hope the[y] might be persuaded to remain and might prove a considerable security and cover to Stockbridge, Sheffield, the new settlements between Stockbridge and Sheffield, and the old Towns on Connecticut River. We are in a bad scituation, shall become I fear an easy Pray to the Enemy, and if the People escape with their lives, their substance will in all probability be soon destroy'd.

I have ordered the People in the Frontiers to be on their Guard which is all I can do at present. I conclude the Dutch will (if they have not already) retire from the East side of Hudson's River, and we must expect to receive the attacks. I have directed Capt. Chapin to keep out a Scout for discovery.

I am S^r^, y^r^ ob^t^ humb. serv^t^

Isl WILLIAMS.

Hon. Josiah Willard, Esq.

A true copy, Attest Thos Clarke, Dep^t^ Sec^y^.

Letter from Col. Blanchard to Govr Wentworth.

[Copied from MS. Corr. Vol. II. p. 125.]

Dunstable, August 29th, 1754.

May it please your Excellency

On rec^t^ of y^r^ Orders for a Detach^t^ out of my regiment, I Imediately express'd to the several companys & next day had sixty Impress'd, last Monday morning mustered at Dunstable, viewed the arms of those that proceeded, supply'd them with ammunition &c. The complement Destin'd for Connecticut River march'd in company & under the Command of Major Bellows.(2) Twenty nine up Merrimack river (of which) five I directed to guard a new settlement about 8 or 10 miles Westerly from Pennicook, who are now building a Fort, advantageously situated to cover the Settlem^ts^ Lower down the river; the rest with Capt. Goffe to relieve the troops up the River with Directions to him for the most useful improving the souldiers. One half his scout are gone to Hillsborough & to search ye Branches of Contoocook river (the most likely places to discover if any of the Indian Scout has tarry'd) & to come in at Stevenstown or Contoocook.

Relating the Sup^r^ Court, I am too sencible of my obligations to y^r^ Exc^y^ to withold my assistance in anything your Exc^y^ directs.

The Sup^r^ Court is a provincial Bennefit and ought Hono^bly^ to be supported at their Expence & not a pennurious spirit cause a scandalous Injury to those who attend their duty there with fidelity,—nor can it be expected in this Infant Province, Gent^n^ will long Endure the Fatigue & Bestow their fortunes that way.

(1) This must be the name of a place in Massachusetts, not in New Hampshire.—ED.

(2) See Muster Roll of these men, in Military History by Col. C. E. Potter, Adj. Gen. Rep. 1856, Vol. II. pp. 117—119.

Major Benj. Bellows, afterwards Colonel, was the founder of Walpole, N. H., 1749. He was born May 23, 1712, and died July 10, 1777, aged 65 years.

Notwithstanding at present resign myself yr Pleasure in it & will be down ye 10th of Sept at furthest.

I am yr Excys most dutiful & most Obedient Huml Servt.

JOSEPH BLANCHARD.

His Exy Benning Wentworth, Esq. Govr &c.

P. S. I have supply'd the fifty men, I think likely good souldiers.

From Capt. Phineas Stevens to Coll. Hinsdall.

[Copied from MS. Corr. Vol. II., p. 127.]

Charlestown in New Hampshire, August 30, 1754.

SIR,

This morning a Party of Indians have been at the House of James Jonson & have carried off himself, his wife & three children, & a Daughter of Lieut. Moses Willards of about 14 or 15 years of age. The sd Jonson's wife was then with child, & within a few days of her Time. (1) They have also taken Ebenezer Farnsworth who lived in the house with him, and Peter Labaree, who went to Jonson's on some business. Aaron Hosmer was in the bed with Farnsworth, and made his escape by falling behind the bed & retiring to another place for shelter in the sd Room, and abiding there for near half an hour, while the House was plundered. The Indians came several times into the chamber & as he went out at the door, one Indian pursued him & had like to have taken him. I have been since to the House & find that all the people are gone off; (viz.) Eight Persons. (A sorrowful account to give in time of Peace.) Which is all at present from

Yr most Humble servant

PHINEHAS STEVENS.

To Coll: Hinsdale.

A true copy pr Josiah Willard.

Letter from Major Benj. Bellows to Col. Blanchard.

[Copied from MS. Corr. Vol. II. p. 139.]

SR. We have the news from Charlestown that on Thursday morning the 29th of this Instant the Indians came to the house of James Johnson & broak in and took sd Johnson, his wife and three children and a maid & one Ebenr Farnsworth & Labbaree, & they suppose they have carryed them all off, they have not found any of them kill'd, the People are in great distress all down the River, and at Keen & at Swansey, & the few men sent will not more than supply one Town, and the People cannot secure their grain nor hardly keep their Garrison, &c.

BENJa BELLOWS.

Westmoreland, August 31, 1754.

Collo Jos: Blanchard.

P. S. I have got no further than Westmoreland when I wrote this & got all the men safe there.

(Copy J. B.) B. B.

(1) See a full account of the captivity and sufferings of Mrs. Johnson in *Historical Collections* by Farmer & Moore, Vol. I. pp. 178-239.—ED.

Letter from Col°. Blanchard to Govr Wentworth.

[Copied from MS. Corr. Vol. II. p. 149.]

Dunstable, Sunday, 5 o'clock P. M. 1754.

May it please y^r Exc^y.

Four o'clock this afternoon I rec^d a letter pr Express from Major Bellows whereof the Inclosed is a copy. I tho't it necessary to give y^r Excell^y the Earliest acc^t. I have no further advice than the letter. A post is already gone to Capt. Goffe & all the frontier Inhabitants up this River with this advice as well as to be cautious.

I have acc^t I think may be depended on of the discovery of a Party of Indians up this River of the Same day of this attack at Charleston. This pr post 3 o'clock last Fryday morning, frequently heard shoot last week at several distant places—it seems they are sporting themselves at present greatly to our disadvantage. I hope there will be a spirit of proper Resentm^t raised in the Assembly. There must be a frontier, & if the present are drove in we must have one much more difficult to Defend or a great many new Settlements Broak up.

The Settlements on the two Rivers are so accommodated for raising Provisions & compact, the other towns so scattered & such thicketts, that four times the soldiers will not Leave them so safe even to come down to old Dunstable. But as this is out of my Province pray y^r Exc^ly to excuse it.

Before I parted with Maj^r Bellows, I strongly urged his taking an equal care of the inhabitants on Connecticut River down to include Westmoreland & ye Great Meadows (or Putney) & urged that the Great Meadows & Westmoreland Joyn in one Garrison, Walpool Westminster & Rockingham whose Improvements lye handy to make two Garrisons. In Walpool one on the River Bank, the other on the outside the meadow where Mr. Bellows's house now stands, the forts about half a mile Distant right opposite to the Improvements in Westminster & will cover two Hundred acres of good meadow Land of Mr. Bellows's, which he says, according to their Familys shall have equal Benefit with himself during the war; the Fort on the Bank will cover ye Landing & safe passage to Westminster fields. I hope they'l settle it that way. Walpoole and Westmoreland will then be upwards of thirty men Each of the Inhabitants & safe as to the general of their labour. These places lye the most exposed (with Charlestown) and as the Scout was small, some must Scout Round the town to Divide them further I tho't wou'd defeat their being of much use any where—but told him on the whole he must be vigilant in making the Best advantage of their service where he found most need.

I determin to wait on y^r Exc^y the Monday before his Majesty's Sup^r Court Sitts.

I am with the tender of my Duty y^r Excellency's most humble & most Obedient serv^t.

JOSEPH BLANCHARD.

His Exc^y Benning Wentworth, Esq. Govr. &c.

Letter from Lt. Col. Josiah Willard to Col. Blanchard.

[Copied from MS. Corr. Vol. II. p. 141.]

Winchester, Aug^st 31, 1754.

SR—This day I rec^d the maloncly tidings of a family being captivated by the Indians at Charlestown, the circumstances whereof you will find

in the copy of Capt. Stevens letter to Coll° Hinsdale, wch is Inclosed in a letter to his Excelly Govr Wentworth, wch I beg the favr of you to convey as speedily as can be. After you have Inform'd yourself of the news contained in it, so try to help a poor distress'd people, for almost every man is upon the move in this part of the country. I have had no sleep this three nights and now have nine familys stop'd at my house.

We have perswaded the Bigger part of the People to tarry a Little While & see if we can have some help, but the old Leaven of the M——tts & Mr. Walker's turning the world upside down in so little a Time is discouraging to many of our people.(1) They hear evry day that there's no help to be had from ye Masstts. I have a hard Task to keep fort Dummer with six or seven men and have not completed a good Garrison round my own House, but hope to have it done soon &c.

JOSIAH WILLARD.

Col°. Blanchard.
Copy pr J. B.

Letter from Lt. Col. Willard to Gov. Wentworth.

[Copied from MS. Corr. Vol. II, p. 143.]

Winchester, August the 31, 1754.

May it please your Excellency—

I would humbly beg leave to inform how extremely difficult our circumstances are, on account of our being constantly exposed to become a very easy prey to our barbarous Enemies, who have been of late making repeated invasions on our Neighboring Towns whereby a considerable number of them are slain & are carried into captivity. We had information on Tuesday last that five Indians which came from Crown-Pint to a Dutch place called St. Coiks, there asserted that Eight Hundred Indians were set out on an Expedition against the Fort Massachusetts, & the Dutch settlements thereabouts, (2) & that on the 27th day of the month they intended to arrive thither, which accordingly they did & killed & took nine persons near sd Fort. We also this day received the Inclosed, & also certain intelligence that two women & three children belonging to Swanzey are missing, which after dilligent search made, not being found, are supposed to be taken: & by the Discoveries that are made, we are afraid of being invaded on every Quarter: Wherefore we humbly entreat that your Excellency would take our case under consideration & grant us that needed speedy Relief, as in your great wisdom you shall think best.

From him who begs leave to subscribe himself your Excellencies obedient & Humble servant.

JOSIAH WILLARD.

To his Excellency Benning Wentworth,
Esq. Governor of his Majesties Province of New Hampshire.

Letter from Ebenezer Hinsdale to Col. Williams.

[Copied from MS. Corr. Vol. II, p. 145.]

Deerfield, Augst 31, 1754.

SIR—

At this Instant one of the clock this morning Doctor Field of Northfield

(1) Probably this has reference to the result of Rev. Timothy Walker's visit to England, about this time. See p. 253.—ED.

(2) The Dutch had extended themselves from the vicinity of the river Hudson, N. Y. into the western part of Massachusetts.—ED.

brought me the following Lines from Capt. Oliver Willard of fort Dummer. viz.

SIR—A Post just now arrived from No. 4, who informs that the Indians came to Lieutenant Johnson's house about break of Day this morning took him, his wife & four children, with one Lubbaree & Ebenezer Farnsworth; one Ausmore who was in the House escaped, none killed as we hear.

Your servânt,
OLIVER WILLARD.

Doctor Field tells me the Express from No. 4 informs that the abovementioned Lubaree who is near Neighbour to Johnson just enter'd his house when the Indians rush'd in after him. Osmour being in the Chamber heard the Indians in the House & heard Johnson plead for Quarter, said Osmour jump'd out of the Chamber, met an Indian who struck at him with a knife he escaped the stroke, the Indians call'd to him to come back, but he kept on to Capt. Stevens at the Fort, there was no Gun fired, the Express came immediately from Capt. Stevens & they had not time to know whether Lubbarees Family & some other of their Neighbours are taken or not.

These in haste from your kinsman,
& very humble servt
EBENEZr HINSDALE.

Collo Williams.

Capt. Catlin, Lieut Hawks & Field are present who send you this Information

A true copy—Attest—J. Willard.

Directed to Coll. Israel Williams.

Letter from Capt. John Goffe to Col. Blanchard.

[Copied from MS. Corr. Vol. II, p. 153.]

Contoocook, Sept. 1, 1754.

SIR—

I arrived to Pennicook abt 12 o'clock on Thursday where I mett the Troop who came down to guard 10 or 12 horses to mill, and I took their places and they went Home, and I got safe to the Fort at Contoocook with all those that went to mill, and have given the People I believe good satisfaction since I have been here considering the few men I have. Those that went to Hillsborough not being yet come but expect them tomorrow. We have done considerable in guarding the People whose hay was cut before the mischief was done, has lain ever since till we came and a great deal more hay & grain we must guard them to get or they will loose it, and shall do what we can for them as souldiers, for they are here more concerned than ever I knew them any time last war, and durst not go any where without a guard I have not bin to Stevens town yet, & its Tho't dangerous to attempt without any more men. There is nobody there, but I am Informed that there is a great deal of good corn there wch its pitty should be lost, but four or five of the Inhabitants will go back to stay & them not without twenty men at least as souldiers with them. The Indians are certainly about, they are tract & guns heard every day almost in the woods.

I went with my scout and a number of the Inhabitants. I heard up to the westward when I was four miles out of Town two guns very Plain,—upon Satterday last we made a considerable scout and went near to Hop-

kinton, marched down Contoocook river & so to the Fort, we saw fair mognson tracts in severall places, some new and some older. I pray you would send me Express what I shall do ab^t going to Stevens town if I have no more men, if I go I must take them all with me & I dont see but Contoocook must loose or sell or kill most of their Cattle for they have got but very little Hay since the mischief was done, and have a great deal to get; all their pease almost in the field unhook'd & loosing every day, and abundance of them there is. Mr. Lovejoys Garrison(1) are all moved off but three familys, and he told me that he would not stay any longer without he had some souldiers—and if he had, severall familys would come to them, wch if that fort breaks up they can grind none in Contoocook & must be forced to go to Eastman's mill on Turkey river (about 12 or 14 miles a dangerous road) and it will be much more dangerous to go to Pennicook(1). Please to take these things into consideration & send me what I shall do. I am ready to obey if you will command.

The Scout must go up to Stevens town to take care of their Effects and stay a night or two and I believe if I was ordered to go once in a week or ten days up there it might possibly have this effect to daunt the Enemy or find 'em and fight 'em. If you think it best to go and live at Stevens town I am ready to do it & heartily willing, but they have no provision but salt, I must buy an ox and drive up and kill there which will be costly, and to carry meal so far will be bad luggage—Pray your advice by the bearer, but if I go there pray your interest for Contoocook & Lovejoy's mill & Eastman's mill that there may be an addition of Souldiers &c.

J. Goffe.

P S. The most of Contoocook People desired me to acquaint you that they are Destitute of any military officers and by that means nobody will watch or ward, but such as see cause & by that means some are oblidged to do duty & some none at all, and they think it is owing to their living at so great a Distance from Coll^o. Smith to whose regiment they belong, that they have none, & desired me to acquaint you that it is their desire to be annexed to y^r Regiment as they joyn upon it & think they shall be taken b tter care of if they were & pray your Interest to get it done & pray also that if they can't be in y^r Regim^t you wou'd recommend Mr. Steven Garrish for their chief officer, for I assure you there is necessity that something be done in that respect soon.

I am &c. J. G.

I have my full comp^nt of men & I think one more, pray y^r advice in that —As I was sealing up this Rec^d y^rs relating No. 4 (or Charlestown) shall follow y^r Directions.

J. G.

Copy of Capt. Goffe's letter.

Monday (paper annexed)

I came down with a guard with two teams to Lovejoy's mill & to Relieve my souldiers from Hillsborough who it seems did not care to come alone.

J. G.

(1) *Henry Lovejoy's* Garrison was situated in West Concord, on or near the spot where the new brick school house now stands. People from Contoocook and Canterbury went to his mill situated near by. *Jonathan Eastman's* Garrison was on the Hopkinton road, on the rise of land near where the road diverges to Dunbarton. His mill was on Turkey river near where now St. Paul's School is located. This was 10 or 12 miles from Contoocook, and Capt. Goffe calls it a "dangerous road," but why he should say it was "more dangerous to go to Pennicook"—which was the name of the main settlement, the editor does not know. See *Bouton's Hist. Concord*, pp. 151-153, 175-176. —Ed.

Dunstable, Sept. 3d 1754.

May it please your Excelly

The foregoing letter I recd early this morning (with a messenger for more ammunition) The better to let you know the whole situation, I copied the letter from Capt Goffe, the People must be distress'd in their present situation, 'tis great Pitty that the Indians should make advantage of the fields & destroy ye food at Stevenstown, & for Contoocook to be starved, their crop wou'd serve themselves & many souldiers if preserved, the Garrisons at Lovejoy's mill & Eastman's mill must by no means be Broak, the two most usefull places if the towns there stand.

To divide this Handfull of men with Capt. Goffe to all these places, taking first what's necessary for Stevens town must be useless to the rest. I have directed Capt. Goffe for the present to pursue the projection in his letter relateing Stevens town, and assist Contoocook and the two mills all in his power. I expect every minit to hear of the Indians further attack unless the people give more than common attention to their guards. A proper company of men att liberty to take up to ye heads of ye Rivers first, & another to scour their woods might Quickly cross them, but those already out can serve but little further than the fields.

I am in all duty your Excys
most Obedient Humble servt.

JOSEPH BLANCHARD.

P. S. Your Excy will undoubtedly greatly serve the Inhabitants at Contoocook by putting them under a military Regulation. They cannot in this time of war do without. Yrs, ut supra,

J. BLANCHARD.

Letter from Col. Blanchard to Gov. Wentworth.

[Copied from MS. Corr. Vol. II. p. 157.]

Dunstable Sept. ye 2d, 1754.

May it please yr Excy.

Three of the clock this morning I recd the Inclosed Express came from Nichawog (1) (between sixty & seventy miles) from yesterday three of the clock, the bearer from Nichawog & can give no verball acct.

This message Colo Willard sent unsealed under cover. I further Inclose a copy of his Private letter to me, & hope some way will be found out to prevent such fine settlemts becoming a dereliction, Tho' half the Govt (till some proper measures can be taken) were constrained to go.

This first shock will be the worst, when they get fixed in good Garrisons, a smaller Nomber will be sufficient & the people I doubt not, will do well.

The news I have from all Quarters makes me afraid there's a considerable nomber of Indians scatter'd in the frontiers.

I determin to waite on your Excelly on Satterday or Sunday, my Business by this Rout with the Indians has been hinder d & not expecting to tarry at this Supr Court had undertaken Repairing my House & other Buildings necessary, besides I expect if the Indians continue these troubles a necessity of my being much at home, that if your Excy shall think convenient to Honr me in ye new Comission, I must beg your Indulgence of my Return for part of this Court & afterwards will Endeavor to fit my Business better to attend.

I salute yr Excy with my Duty & and assurance that I am yr Excys most obedient Humble servt

JOSEPH BLANCHARD.

(1) The locality of *Nichawog* is not known to the editor.—ED.

The following names are found on the *Muster Roll of the Troops employed in his Majesty's service on Merrymac River* 1754 *under command of Col. Joseph Blanchard, and by him posted under proper officers, agreeable to his Excellency's orders.* [See Potter's Mil. Hist. Adj. Gen. Rep. Vol. II. 1866, pp. 117–119.

MEN'S NAMES

Joseph Blanchard, Esq.
John Goffe, Lieut.
Caleb Paige, Serg^{t}
Joshua Martin
Jona. Woodbury
Wm. Moore
Isaac Waldron
Timothy Cox
Levi Hildreth, Sentinel
Peter Cross
Eleazer Farewell
Nathl Moore
Samuel Houston
Simon Beard
John Haywood
Joseph Ordway
Nathan Haywood
Jacob Jewell
John Bailey
Josiah Parker
Joshua Corlis
Stephen George
Joseph Eastman
John Taylor
Archibald Stark
Thos. Jones
Joseph Brown
Saml. Hogg
Nicholas Line
Daniel Roden
John Hay
John Allen
Samuel Hilton
James Hunter
Thomas Grear
Matthew Glean
Thomas Archibald
Hugh Miller
John Karkin
Israel Trull
Jonathan Aiken
Thos. Hyland
John Duncan
John Barret
Samuel McDupley (1)
John Archibald
Joseph McCowen
David Taylor
James McNeil
William Bonner
William Patterson
William Patterson
Zachariah Stearns
Ephraim Foster
Stephen Chase
John Worthley
Jeremiah Corlis
Wm. Hutchinson
Reuben Hamblet
Andrew Walker
William Gibson
Robert Rogers.

Names of the men posted on Connecticut River under Major Bellows.

Benjamin Bellows, Lieut.
Phineas Stevens, Serg.
Jesse Richardson, Sentinel
James Hewey
Henry Hewey
John Cummings
Amos Kenney
Henry Hill
Joseph Richardson
James Page
John Lovel jr.
Samuel Parker, jun.
Timothy Beadle
John Martin
Samuel Stearns, jr.
James French
James Whiting
Amos Whiting
James Hill
Jonathan Hubbard
Caleb Willard
John Cummings jr

Names of the men, posted in the neighborhood of Keene and Fort Dummer, under Col. Willard.

Josiah Willard, Lt.
Samuel Thompson, Serg.
Elijah Alexander, Cent.
Asa Grant
Christop'r Grant
Benja. Moore
Ichabod Fisher
Obadiah Wells.
Wm. Stevens
Benjamin Little
Nathl Heath
Caleb Heath
Ephraim Perry
John Stevens
Jona. Atwood
Wait Stevens, jr.
Eben^{r} Fellows
John Heath
Joseph Lancaster
Benj^{a} Griffin
Jona. Clough
Thomas French
Jona. Flood
Samuel March
Joseph Brown
Gideon Webster

(1) Deserted Oct. 26.

Copy of a paragraph of a letter from his Excellency the Govr. to Joseph Blanchard Esq. dated Nov. 3^{d} 1754.

[Copied from MS. Corr. Vol. II. p. 161.]

"It being uncertain whether the Assembly will pay the Troops for any longer time than their Grants extended to, I think it proper that you give orders for dismissing both the Troops posted on Merrimack and those on Connecticut River, unless they are willing to remain at the mercy of the Assembly, which I cannot advise to."

NOTE BY THE EDITOR.

Thus far, the *Journal of the House* has been copied and printed entire, with all the accompanying official papers and documents referred to which could be found in the Secretary's office or elsewhere; but on account of the great increase in the bulk of material from year to year—much of which relates to mere personal and local matters—and especially on account of the greater importance to be attached to those portions of the *Journal*, with the Governor's messages, the correspondence and public documents, which relate to the "Seven Years' War" with the French and Indians—which are very copious—the Editor, under the advice and direction of his Excellency, Governor JAMES A. WESTON, has deemed it expedient hereafter to copy and publish only such portions of the *Journal of the House* as more particularly relate to matters of general and public interest. The editor, however, has carefully noted, in an abridged form, the joint proceedings of the House and Council relative to other matters, and placed the same in smaller type, in order, marked (a), (b), &c. He has also indicated the concurrence or non-concurrence of the Council, with the proceedings of the House.

Wednesday Decr 4th 1754.

Met according to adjournment. Mr. Joseph Bickford bro't a Muster Roll into the House and made oath thereunto.

The Muster Rolls of Joseph Kimball, Robt Kimball and Ezekiel Sanborn bro't in by Coll. Peter Gilman, being sworn unto before him.

The Muster Roll of Thomas Lucas bro't into the House by Coll. Peter Gilman being sworn unto before him.

The House adjourned till three of the clock in the afternoon by order of the Speaker.

Post Meridiem.

Met according to adjournment.

Capt. John Odlin bro't into the House a Muster Roll and made oath to the same. The House adjourn'd till tomorrow morning nine of the clock by order of ye Speakr.

Thursday, Dec. 5th 1754.

Met according to adjournmt.

The Secretary came into the House and said he was directed by his Excellency to acquaint the House that his Excellency expected the House at the Council Chamber and accordingly the House attended his Excellency at the Council Chamber who made a Speech [p. 470.] and Mr. Speaker desired a copy thereof and the Secretary deliver'd Mr. Speaker the original and said a copy might be taken thereof and the original be returned.

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Governor's Speech.

[Copied from MS. Gov^rs Messages, Vol. II, p. 153.]

Gentlemen of the Council
And of the Assembly—

The necessity I was under to Transmitt the state of my Government to the King's Ministers, by the mast-Ships, obliged me to Prorogue the General Assembly to a longer day; It being impossible for me to attend such services at one and the same time, and as I meet you Now, at a season the least injurious to your private concerns, so I would hope your attention will be more firmly set on the public.

I have transmitted to his Majesty by one of his principal Secretaries of State, the ample provision you made in your last session for a proper detachment of the Militia, to be Employed by me in searching after a French Fort, reported to be built or building at Coos, on or near the head of Connecticut River within the undoubted limitts of this Government, which I am pursuaded will be highly acceptable to his Majesty.

The detachment I sent on the above service returned without discovering any Fort or provision making for building one, although they penetrated further into the main body of land Westward from Coos than the English inhabitants have yet done, and would have proceeded further, had not the Excessive rains unusual at that season of the year prevented it.

Notwithstanding the Troops I sent on this discovery were too early, yet from the Intelligence I have had, I am pursuaded that the General of Canada had determined upon building a Fort in the summer past either at Coos, or some more convenient place on this side the Lake for a safe retreat to the Indians and for the reception of their captives and Plunder, after they had committed hostilities on our Frontiers, and nothing but their great attention to the success they rely on at the Ohio and the necessity they are under to compleat their scheme there by secureing the Indians; in that quarter in the King's Interest, has prevented it.

When you consider how acceptable it must be to his Majesty to defeat the French in the least attempt they may make to incroach on any part of his Dominions, when you consider the distresses of the Frontiers in the Summer past, and when you consider how their misery will be increased should the French this Winter or early in the Spring strongly Fortifie themselves at Coos, I cannot doubt of your resolution in taking possession of that important pass, with the utmost Expedition.

Your resolve in this momentous Concern you may be assured will not only recommend you to his Majesties especial favour, but must finally be your great security, as it will cut off all communication the Indians can have between our frontiers and the French Fort at Crown Point; it will also prevent the Indians from St. Francis and Montreal from making incursions on our Frontiers, by shuting up those short and Easy water passes which they frequent; another great advantage must ensue, in case of a general war; when that happens there may be an occasion to march a body of troops into the Enemies country, the benefits the troops would receive from resting in such an advanced Fort, besides the probability of their Garrisons being within a few years capable of subsisting any number of troops this Province may have occasion for, with many others of another nature are truths that need no further proof.

All undertakins of this kind are subject to great charges, and should this be attended with extraordinary expenses it ought by no means to prevent its being carried into execution, being in no doubt but that it will be his Majesties pleasure to put this Province upon the same footing, for the services we engage in, in obedience of his Commands, as he puts his other governments, and that we shall receive the same aid from the Crown; besides it must be considered that a fortification at Coos will be an infinitely greater security to all his Majesties colonies, exposed to the

Hostilities of the Indians, than a Fort erected in any other place whatsoever.

You cannot but be sensible that with the approbation of the Legislature I have used my utmost Endeavours for three years past to place a strong garrison at Coos, but from the opposition my plan met with, where I could not expect it (if they had judg'd rightly for themselves) it did not take effect. The same reasons subsist with me as did then, for taking possession of those invaluable Lands, and indeed there are so many encouragements to the undertaking, when duly weighed, that they cannot fail of inviting you to engage in it. The nearness of our present settlements is a persuasive argument to this service, so that subsistance and reinforcements upon Emergencies may be conveyed with ease and safety, as well as all necessary stores; the commodious situations for Garrisons with a sufficient store of materials for such uses, and above all the fertility of the soil, if my information is well grounded, exceeds every other advantage; from which it may be expected that a fort placed under so many promising circumstances will not be a lasting charge on the government.

Gentlemen of the Assembly

His Majesty had no sooner Received the information of the marching of a considerable body of Indians, joyned by some regular European troops, with a design to commit Hostilities on some part of his Dominions, but he instantly directed one of his Principal Secretaries of State to inform the Governors of all his Colonies thereof, and to direct them to put the military force under their direction in a posture to resist any hostile attempts that might be made on their respective Governments, also to be aiding and assisting any other of his Majesties Colonies in case of an Invasion.

The Earl of Holdernesses letter to me of 28th August 1753, Expressly wrote by the Kings command on this occasion, I laid before you in your last Session. You must all be sensible that his Majesties command cannot be fully executed by me without your assistance, by making grants equal to the service required, and to excite in you a Zeal for so important a branch of your duty to his Majesty, you will observe the Royal Commands repeated in the following Paragraph of Sr Thomas Robinson's letter to me of the 5th of July Last, which did not come to my hand until the 14th of November.

"The Kings orders were signified to you not only to act vigorous in de-
"fence of your Government, but to be likewise aiding and assisting his
"Majesties other Colonies in America, to repel any hostile attempts
"made against them. I am now by the Kings express Command to en-
"force to you the said Directions in the strongest manner and to acquaint
"you that his Majesty expects your immediate observance of them.

"You will see by the inclosed copy of my letter to Governor, Shirley,
"in what manner his Majesties subjects have behaved at Massachusetts
"Bay, and that their conduct has been intirely approved by the King."

Gentlemen—

You may see how jealous his Majesty is, least the French should distress or make any encroachment on his Colonies, from his approving the conduct of our neighbours in the Massachusetts Bay, in fortifying the River Kennebec, and since you have so fair a path open to tread in, a way so Broad that it will admit of no mistake, I pursuade my self you will embrace the opportunity put into your hands of recommending yourselves to his Majesties favour by making an ample grant for fortifying Coos and garrisoning the same.

As I have not only his Majesties commands but his repeated Com-

mands to pay obedience to, I have confined myself to them only, at the opening of this session, and as soon as you have gone through what I have so earnestly recommended, I shall in a Message lay the other matters requisite at this session before you.

Gentlemen of the Council and of the Assembly

It will give me the highest pleasure to concur with you in the measures I have so pressingly recommended, and as they tend so much to his Majesties service and are so agreeable to his commands, as well as for your own safety and the protection of his Majesties other Governments, I have no room to doubt of your uniteing in making the necessary grants therefor.

B. Wentworth.

Council Chamber in
Portsmouth, December the 5th 1754.

Copy of Sir Thomas Robinson's Letter to Gov. Shirley.

[Copied from MS. Corr. Vol. II, p. 109.]

Whitehall, 21st June, 1754.

Sir—

Having received your Dispatches of the 19th of April and the 1st of May last, with their several Inclosures, & having laid the same before the King, I am to acquaint you that his Majesty extremely approves the Resolution which has been taken by the Assembly of your Province in consequence of the Proposal recommended by you, to use their best Endeavours to drive the French from the River Kennebeck, and I am, at the same time to inform you, That his Majesty is graciously pleased to authorize and direct you to proceed upon the Plan, and to pursue the measures which appear by your Speeches to the Assembly and their answers thereto to have been so well calculated for that purpose; and I am likewise to assure you as a mark of your Majesty's particular attention to the welfare of his Loyal subjects in New England, that every thing recommended by the said Assembly will be fully considered, & that immediate Directions will be given for promoting the Plan of a general concert between his Majesty's Colonies, in order to prevent or remove any Encroachments upon the Dominions of the Crown of Great Britain.

It is with the greatest Pleasure that I take this Early opportunity of giving you the Satisfaction to know the very favorable manner in which the account of your Prudent & vigorous conduct, as well as of the zeal and activity of those under your Government have been received by the King, which cannot fail to excite & Encourage them in taking such farther steps as will most effectually provide for their own security, & will give a proper Example to his Majestys neighboring Colonies.

I am, &c.

T. Robinson.

Governor Shirley.

Post Meridiem.

Voted, That Mr. Speaker, Coll. Gilman, Matthew Livermore, Capt. Bell, John Page Esq. John McMurphy Esq. and Mr. Jonathan Lovewell be a Committee to wait on his Excellency to consult about the affair of Coos.

The House adjourned till tomorrow morning nine of the clock.

Fryday, Decr 6th 1754.

The Committee appointed to confer with his Excellency upon the subject matter of his speech, making Report, a message was sent by the House to desire a Conference and it was agreed to be tomorrow morning.

The House adjourn'd till tomorrow morning.

Saturday, Decr 7th 1754.

Met according to adjournmt. The Council and House met and [p. 471.] had a Conference upon the subject matter of the Governor's Speech and the House voted as follows, viz.

Voted, That Mr. Speaker, Henry Sherburn jun. Esq. Peter Gilman Esq. and Matthew Livermore be a Committee of this House to joyn with such as may be appointed by the Honble the Council to draw an answer to his Excellency's Speech. (a)

(a) Theo' Atkinson and Richd Wibird, Esqs. appointed.

Wednesday, Decr 11th 1754.

[p. 472.] Voted that the following Address be sent to his Excellency and signed by the Speaker in the name and by order of the House.

Province of
New Hampshire

To his Excellency Benning Wentworth Esq. Captain General Governor and Commander in Chief in and over his Majesty's Province of New Hampshire.

The Humble Address of the Council and Assembly of said Province—

[Copied from MS. Govrs Messages, Vol. II. p. 161.]

We his Majesty's Loyal and dutiful subjects the Council and Assembly of said Province beg leave to address your Excellency and acknowledge our obligations to your Excellency for your Speech to both Houses of the fifth Instant, wherein we observe, That your Excellency had Informed his Majesty by his Ministers of the Provision made by this Government for searching after a French Fort reported to be built or building at Coos on Connecticut River, and also the other matters therein recommended by your Excellency.

We greatly Rejoice that the Troops emp'oyed in that business upon the strictest search found no such Fortress or Building there, or any preparations made therefor.

From the best information we have as yet been able to get relative to the situation of Coos, We are of opinion that a Fort there with a sufficient Garrison, would be a great Defence and Protection not only to this, but also to his Majesty's other Northern Provinces: But at the same time cannot think that his Majesty's subjects of this Province are able to carry the same into Execution, considering their present circumstances,

namely, the large Frontiers they have to Defend, the great charge they were at in the late War, the Burden whereof they have not yet got over; also the great charge they have been at this present year for the Protection of the Frontiers and much greater that they must be at should there be a War, which there is reason to fear will soon be the case, and considering also the great number of forces it will take to build a Fort there and the heavy charge that will necessarily and unavoidably attend the garrisoning and maintaining the same, Inasmuch as the situation of the Place (as we understand) where said Fort is proposed to be built, is such, as there must be such a number of Troops posted there as will be sufficient to defend it from any attack that may be made upon it, either by the French or Indians separately or conjointly, as no early help can be had from any of his Majesty's settlements. Though we are willing and ready to do every thing within the compass of our Power and according to the utmo t of our ability for the Protection and Defence of his Majesty's subjects of this and his other Governments against his Majesty's Enemies both French and Indians.

We would further beg leave to observe to your Excellency That we think it highly necessary and expedient humbly to address his Majesty, shewing and setting forth the great advantage (we apprehend) it would be to his Majesty's Governments in North America, if his Majesty had a Fort & Garrison at Coos, and the inability of his Majesty's subjects of this Province to bear the Burden thereof.

Sent by Coll. Gillman & Doct^r March in the afternoon.

In Council December the 11th 1754.

The foregoing Address read & ordered that the Sec^y in the name & the behalf of the Council sign the same.

Theodore Atkinson, Sec^y.

Province of }
New Hamp^r }

Dec. 11th 1754.

In the name and by order of the house of Representatives

Meschech Weare
Speaker.

Post Meridiem.

[p. 474.] The Secretary bro't into the House a written message from his Excellency.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, pp. 165-172.]

Mr. Speaker &
Gentlemen of the Assembly

In my Speech to both Houses at the opening of this Session, I thought it my duty to confine myself to his Majesty's commands only, and as they deserved your first attention, I thought it most for Majestys service, to defer all other matters necessary for your consideration, until I had your answer to what I therein so earnestly & seriously recommended.

I shall direct the Secretary to lay before you the proceedings of the Commissioners I sent to Albany, that you may perfect what is necessary for you to do on your part.

I shall also direct the Secretary to Lay before you the transactions of the Commissioners I sent to Falmouth.

I have had a severe reprimand from the Right Honble the Lords Commissioners for Trade & Plantations, for not transmitting the Treasury accounts since the year 1744. You are all sensible that you have taken up

on you the auditing and Examining of these accounts, and that Committees have been every Session appointed for that service, but that to this day the ballances have not been transfered, nor the accounts fully adjusted, for which reason the Treasurer cannot deliver me fair copys to transmit, I hope you will forthwith remove the Impediments that have been the occasion of this unreasonable delay. The Treasurer informs me that the Committee for making sale of sundry stores that were remaining of the Canada Expedition have not paid the money those stores sold for into the Treasury, as was directed & as that money cannot be made use of in any other way than for sinking part of the £60,000 Emitted for the service of that Expedition, I must desire that care be taken to have it placed agreeable to your Acts.

The periods for calling in & sinking the £25,000 loan being arrived, I shall order a state of that loan to be prepared, & the respective sums for each appropriation properly placed to avoid mistakes hereafter, which I shall direct the proper officer to lay before the Generall Assembly.

In the late act of Parliament for regulating paper money in the four New England Governments, there is a clause providing for the calling in & sinking all loans, agreeable to the Acts of Government for Issuing the same, and that where there is any deficiency in the Securitys the sums deficient shall be made good by an adequate tax on the Polls & Estates of the Inhabitants I have often pressed the Assemblys ever since I arrived in my Government to enquire into the State of the £15,000 loan, & I now repeat it to you, and if there appears a deficiency in the Securitys after this Enquiry is made, you must conform to the Act of Parliament & the provisions therein made for that purpose, but in case it appears that the securitys taken are sufficient, then it is incumbent on you to make a final settlement of this loan, which has been so long outstanding.

The little regard you paid to the Earl of Holdernesse's letter to me in your last sessions, obliges me to put you in mind once more of the arms & military stores therein referr'd to, which I had the Kings Commands to deliver to Governor Shirley (a).

(a) [The following is the letter referred to, which the Editor found in Book I, Prov. Rec., p. 260.]

Whitehall, 28 June 1753.

Sir—

I am to acquaint you that it is the Kings pleasure that the arms and military stores, which were made use of upon the intended Expedition against Canada, and which were returned by his Majesty's order, when the Troops were dismiss'd that service, and are now lying in the Province of New Hampshire, under your care, should be forthwith transmitted to Govr Shirley at Massachusetts Bay, to be ready for such services as his Majesty shall hereafter be pleased to direct.

I am Sir, your most obedient,
humble servant

Holdernesse.

Governor of New Hampshire.

I have mentioned the difficulties I am under for want of a Provincial House, so often that I almost give up the point, altho' I cannot avoid saying that I have endured this Inconveniency near thirteen years, & that every year has been attended with an extraordinary expense. I must likewise remind you that it was my desire, that some measures might be taken to open & repair the road from Town to the place where I reside that I might without the lest inconvenience attend on the Kings business without danger to my person, which with all the conveniencys I have been at the expence of, I cannot with safety now do; the lest that I might have

expected from so reasonable a request, was to have given a reason for not complying with it; but when you take this matter again under consideration you will find this road is as antient as the settlement of the Province, & no reason could be assigned for the neglect of it.

As soon as the Muster Rolls for the Troops Employed for the safety & protection of the Frontiers are ready, I shall order them to be laid before you, & make no doubt but that you will discharge those Troops posted by me with the advice of his Majestys Council, with equal chearfulness, as those I posted by virtue of your own grants.

When you have passed upon the public accounts which I shall direct the Treasurer to have in readiness for your Inspection, I hope you will make the necessary provision for the coming year, having regard to the Emergencys of the Government, which the safety of our exposed Frontiers will demand & require.

The Intelligence I have had that at least a hundred Indians have passed the Lake late this Fall, makes it necessary for me at this time to call for your further assistance to enable me to give such protection & cover to the frontiers as their case may call for.

I think it my duty to put you in mind, that in conformity to your Acts for issuing the bills of Credit for the Louisbourg & Intended Expedition to Canada, proper measures ought to be concerted relative to those Emissions; to delay a thing of such importance to the Government may be attended with dangerous consequences to the public.

It is a matter of great concern to me, that so many of his Majesty's subjects, as have been captivated by the Indians in the Summer that is passed, should remain in the hands of the French, where the young people are exposed to the craft of the Romish clergy, and are in great danger of being corrupted with the pernicious principles of the church of Rome, principles destructive of all Societys but their own, & to be abhorred by every true Protestant; I shall therefore be glad to unite with you in any measures that may contribute to their redemption, not only for the sake of relieving so many of the Kings subjects out of captivity, but that they may be rescued out of the hands of the Romish clergy; who are more assiduous in proselyting them to their religion, than any but those who have had the opportunity of seeing it, can conceive.

When you enquire into the acts for settling my salary, you will observe that £250 proclamation money was settled to be paid out of the Interest arising from the £25,000 loan, and that it was likewise settled on me during the continuance of that act & my administration: in your last session I thought it proper to acquaint you. that that act on which that part of my salary was made payable expired at Chrismas last, therefore I desired that you would provide a future fund for the payment thereof; before I Prorogued the General Assembly a naked vote came from the House granting £250 new tenor, as it is called, to be paid me in Lieu of £250 proclamation money, but as I did not esteem that grant any equivalent for that year, and not having any consideration made for the years that are passed, I could by no means accept of it, I shall now, not only expect that you will make me a sufficient grant for the same that is passed, but that you provide a sufficient fund for the time to come, and I recommend it to you not only as your interest, but as your duty, to comply with the intention of the acts, it being the Kings pleasure in his general Instructions to me to say, that the salary fixed on me should be paid in Sterling or Proclamation money, whereby it should not be liable to variation, by the uncertain value in paper money. It was certainly at the time of fixing my salary (which was but a slender provision at that day) the mind of the then Assembly that there should be no variation in it, notwithstanding it arose from two different Funds; I must therefore hope for the Honor and Interest of the Government, you will not constrain me to mention this affair again, is it will be altogether disagreeable to me.

It appearing to me that if I had drawn out of the Treasury the Grant you made me of £2000 new Tenor, before the troops & servants of the Government were paid, there would be a great deficiency to make good all your grants, for which reason I deferred my grant until the above payments were made; after which there was not a sufficiency left in the Treasury to discharge the whole grant, neither is there as the Treasurer informs me at this time: Therefore I hope you will, upon adjusting the Treasurers accounts, enable him to discharge the grant with Honour.

B. WENTWORTH.

Council Chamber
in Portsmouth, Decembér
the 11th 1754.

Voted that Mr. Speaker, Mr. Sherburne & Mr. Livermore be a Committee of this House to draw an answer to his Excellencys message of this day. (a)

(a) Sampson Sheaffe and Joseph Newmarch Esqs. appointed by the Council.

Thursday, Dec. 12th 1754.

Met according to adjournmt.

Voted That the Committee for providing Stores for the Intended Expedition against Canada be ordered to lay before the General Assembly as soon as may be a state and account of what they sold of said Stores and of the charges arising thereon. Sent up by Mr. Lovewell. [Concurred.]

The Secretary bro't into the house a message from his Excellency, & A letter from Sr Thomas Robinson to his Excellency.

[p. 475.] The house upon considering the Message of his Excellency of this day relating to the Letter from Sir Thomas Robinson to his Excellency of the 26th of Octor 1754, and of the sd Letter which his Excellency layd before the house, thought it proper that there should be a Conference between the Council and the House upon the same and accordingly sent a message to the Council relating thereto and the Council answered that they would attend a Conference tomorrow morning.

The House adjourned till tomorrow morning nine of the clock by order of the Speaker.

[Copied from MS. Govrs Messages, Vol. II, p. 173.]

Portsmouth, Dec. 12th, 1754.

SIR

The Inclosed Message to both Houses being of great Importance, I lost not one moments time, after I had read over Sr Thomas Robinson's letter, in preparing it; as soon as the letter & Messa have been read in Council, you are to carry both to the Speaker, and desire that as soon as they have made the necessary use of the letter, it may be lodged in your office.

If I remember rightly in your minutes in Council you omit my being present, As I am allways present in Council while in the Province so I allways Expect that you enter it accordingly.

I am, Sir, your hum^l Servt

B. WENTWORTH.

Coll. Atkinson.

[Copied from MS. Gov^rs Messages, Vol. II, p. 175.]

Gentlemen of the Council
& of the Assembly.

His Majesty's Commands signifyed to me in Sr Thomas Robinson's letter of the 26th of October last,(1) which I this moment received depend Intirely on the aid I am to receive from the General Assembly, to carry into Execution, & that you may be fully informed of his Majestys Expectations from this Province I have directed the Secretary to lay the same before you, depending on its being lodged with the Secretary, as soon as you have informed yourselves of its contents, depending likewise that you will Immediately take every Paragraph of s^d letter under your consideration, & give me as full an answer to them & with as much dispatch as the nature & circumstances of the commands from his Majesty admit of, and I must earnestly desire that you will not give the lest disappointment to his Majesty's Expectations from this Government, hoping you will rather exceed in duty than fall short in any one point.

Council Chamber in Portsmouth, B. WENTWORTH.

Dec. 12th 1754.

[p. 476.] Pursuant to a motion made yesterday to have a Conference with the Council upon the Governor's Message of yesterday, a Conference was this day had.

Voted that the allowance for the Billeting the soldiers employed the summer past for the protection of the Frontiers be one shilling and six pence new Tenor per day for each man.

Voted That Mr. Speaker, Henry Sherburn jun. Esq. Peter Gilman Esq. Thomas Bell, Esq. and Matthew Livermore be a Committee of this House to joyn with such as may be appointed by [p. 477.] the Honourable the Council to examine into the state of the fifteen Thousand pound Loan and make Report thereof unto the General Assembly as soon as may be. (a)

(a) Josiah Willard, Benjamin Bellows and John Goffe, each brought in a Muster Roll and made oath to it.

Tuesday Dec. 17th, 1754.

The Secretary bro't into the House the petition of Messrs Willard, Ruth Labaree and James Johnson and also two letters from Enos Bishop to the Rev^d Mr. Jedediah Jewett relative to himself and sundry other English prisoners in Canada.

(1) Sr Thomas Robinson's letter cannot now be found.—ED.

Letter from Enos Bishop to Rev. Jedediah Jewett of Rowley, Mass.

[Copied from Farm. & Moore's Hist. Coll., Vol. I, p. 63.]

Montreal, Oct. 19, 1754.

Rev. Sir—The reason of my directing these lines to you is, because it seems most likely that they will sooner arrive to the hands of a person of your note than to any body else. Before I proceed, I shall give you a short description of my captivity. That day, Sir, in August last [the 15th] that you left my house at Contoocook, I was taken by the Indians, and by them carried to St. Francois, where we arrived in thirteen days; and after I had been with them eight weeks, they sold me to a French gentleman for 300 livers, which sum must be paid before I can be free—which looks somewhat difficult to me. But I hope that I have some friend in Rowley that will contribute part of that sum for my relief; and I shall take it as a favor of you if you will move a contribution in your parish. There will be no difficulty in my redemption if the money be paid, and there is no difficulty in coming at any time in the year. In the winter people pass on the ice all the way to Albany, excepting a few miles.

Inform the people at Contoocook, that Meloon and his wife are sold to a French minister near Quebeck, and his boy in this town, and his oldest girl is with the Indians; their youngest child, I believe, died at St. Francois a month ago. Samuel Scribner, who was taken at Bakerstown when I was, I hear is sold to the French at Chambly, about 12 miles from this place; and Robert Barber, taken at the same place, sold to a Frenchman about a mile from St. Francois. They all desire release.

I can write no more at present, only to ask an interest in your prayers, and beg leave to subscribe myself,

Your most obedient humble servant
Enos Bishop.

N. B. Caution the frontiers to be on their guard. If any person comes or sends for me, let them repair to Col. John Lydius of Albany for direction.

James Johnson—His Captivity.

[Copied from MS. Corr. Vol. II, p. 165.]

The Declaration of James Johnson an English Captive, returned from Canada: That he with his wife and three children and three other persons were taken from Number Four on the 30th day of August last by eleven of the St. Francis Indians and carryed to Crown Point fort, where he tarried three days, and from thence was carried to St. John's fort at the North end of Lake Champlain, and from thence to the Indian settlement at St. Francis, and was by the captors sold to a French man at Montreal with whom he lived about six weeks: That according to the best information he could get the mischief done upon the English frontiers the year past was done by the St. Francis Indians except that at Fort Halifax on Kennebeck River, concerning which he had no certain information, he only heard there were three prisoners and two scalps brought into Quebeck from thence before he came away from Canada.

That the Indians who took him captive told him that they sent out eight Indians to Merrimack to Revenge the death of two Indians that had been killed there; Eleven to Number four, because the English had set down upon lands there which they had not purchased; Twelve to Hoosuck to Revenge the death of an Indian killed at Albany by some negroes, and two

to Stockbridge, and that they intended next Spring to drive the English on Connecticut River so far as Deerfield; That while he was at Crown Point the Scaticook Indians about seventy-five men women and children came in there and went aboard a vessell of the French King about seventy tuns which carried them to St. John's Fort and from thence they went to St. Francis where they had an interview with those Indians and were by them received as part of their own Nation.

That he counted in Crown Point fort twenty-three cannon none exceeding four pounders as he judged. That he did not count the men but he thinks they did not exceed forty or fifty; That he was upon the Eminence about forty or fifty rods from the fort, that he heard nothing of any new fortifications near the Fort; That while he was at Montreal he saw about twenty of the Six Nations which came into that city to hold a conference with the Governour, That the conference was publick, that he was informed by several that the Business of the Indians was to let the Governor know that they had agreed to a Neutrality both as to French & English, and that as he saw the Indians passing through the city he said to a French gentleman whom he saw there and who he was told was the third man in the city, there are some of our Indians, they are English Mohawks; whereupon the gentleman Reply'd in English, they are not English, nor are they French, they are neither one nor t'other.

That he left Montreal about the 13th November last having borrowed three hundred livers there to purchase his freedom; that he gave his Parole for the payment of the money and left his wife and children behind.

He further says, That he observed men actually passing down the River St. Lawrence ten or fifteen at a time to Rendezvons at Quebeck, that he was told by an English man who was a soldier at Crown Point that there were four hundred French and one hundred Indians going to take the new English fort about ninety miles as they said from Quebec, that he was informed they had been sending men all summer to the southward to the number of four or five thousand and that he saw them frequently passing that way in small Bodys; That he did not hear of any French men of war being arrived at Quebec, but heard that one with all the men were lost in the River St. Lawrence.

Province of Massa Bay
December 10, 1754. JAMES JOHNSON.

James Johnson subscribed the foregoing Declaration and made oath to the truth thereof before his Excellency the Governor and his Majesty's Council for the Province aforesaid— Attest

J. Willard.

Copy Examin'd pr Thomas Clarke, Depy Secy.
Copy Exam'd pr. Matthew Livermore,
Clerk of the House of Representatives.

Passport of the Governor of Montreal to James Johnson, to go to Albany.

[Copied from MS. Corr. Vol. II, p. 163.]

CHARLES, Baron of Longuevil, Knight of the Royal and Military order of St. Louis, Governour of the City and Government of Montreal, We permit unto the Bearer of this license an English man by Nation to go to Albany, there to attend his own affairs:

We command all Gentlemen Commanders of any Postes or stations wheresoever he shall pass to take care that no harm or hindrance be done to him either on the part of the French or Indians.

Given and done at Montreal the 11th day of November 1754.

LONGUEVIL.

[Seal] The Gentlemen commanders of any post or Station wherever the s^d Englishman shall pass, in case the Indians leave him, shall furnish and provide for him by paying two French men to conduct him to the lands of the English.(1)

LONGUEVIL.

Wednesday, Decr 18th 1754.

Answer to the Gov^rs Message of the 11th Inst.

May it please your Excellency

Having in conjunction with his Majesty's Council after mature consideration given an answer to the very important matters recommended in your Excellencys speech to both houses, of ye fifth Instant, We immediately took under consideration the several things recommended in your message of the eleventh Instant, and assure your Excellency of our Ready Disposition and hearty Desire to do every thing with regard to the several matters laid before us that may be for his Majesty's Honour and tend to Recommend us to his favour, for your Excellencys comfort and satisfaction and the general good of all we Represent: But we must say that at present we are entirely at a Loss, which way we shall make provision so as to answer these ends, such difficultys we find in the way & such perplexitys attending our publick affairs—among which we look upon the Treasurers accounts not being settled as one and think we cannot proceed with any propriety in judging what provision is necessary or in what manner it may be made for answering all or any of the matters recommended by your Excellency which depend upon a supply of money, untill these accounts are fully settled and the state of the Government as to that fully known—a thing we assure your Excellency we look upon it to be of great Importance to the Government and which we have been very desirous of seeing accomplished, and cannot charge ourselves with the least [p. 480.] neglect on our part that it is not done.

There have been from time to time according to the constant usage and practice of the government Committees of both houses appointed (we have not taken it upon ourselves) to examine and audit the Treasurers accounts who have with great care & assiduity, according to the time allowed them, applyed themselves to the examination of the accounts and to have this matter finished, but such hath been the length and perplexed state of these accounts, their not being conformed to the acts and votes of the General Assembly, their not being generally laid before the General Assembly till towards the latter end of a session, with many other difficultys, have hitherto prevented it.

We shall now Immediately give all the attention we can to accomplish a full settlement of these accounts which have not been laid before us till this morning, though we have been sitting more than a fortnight, that we may the better act in other matters.

Voted, That the foregoing be sent unto his Excellency as an answer unto his message of the Eleventh Instant unto the house of Representatives. Sent by Mr. Knight.

The house then adjourned till three of the clock in the afternoon by order of the Speaker.

(1) NOTE—The foregoing was translated from the French and a copy taken by Matthew Livermore, Clerk of the House of Representatives.—ED.

Thursday Decr 19th 1754.

Met according to adjournment.

[p. 481.] Whereas the condition and circumstances of the Provincial Goal appear to be such that it is not convenient either for criminals or debtors, and unless something is soon done by Repairing the same it may be of pernicious consequence unto the Government Wherefore Voted, That Peter Gilman Esq., and Matthew Livermore be a Committee of this house to joyn with such as shall be appointed by the Honourable the Council, to repair the said Goal in such way and manner as they shall judge necessary,—also, to make any addition or additions to the said Goal as by them shall be thought proper; Also to purchase any parcel or spot of ground or land convenient for a garden or for any other accomodations for said Goal and to dig a well in for said Goal, and to dig & finish said well, and that the said Committee be and are hereby appointed Trustees for said Province, to take the Deed or Deeds of the land they shall purchase pursuant to this vote, in their Names as Trustees for said Province and that they draw out of the money that is or may be in the Treasury not exceeding what remains appropriated to and for the Prison, and that they proceed upon the said Business as soon as may be, and that they render an account of their proceedings therein unto the General Assembly from time to time as there may be opportunity. Sent up 20th by Deacon Tuck. [Concurred.]

The House adjournd till three of the clock in the afternoon by order of the Speaker.

Post Meredicm.

Met according to adjournment.

Whereas a representation hath been made to the General As-
[p. 482.] sembly That James Johnson his wife and four children, Peter Labaree, Ebenezer Farnsworth, Miriam Willard, Nathl Meloon his wife and three children, Robert Barber, Samuel Scribner and Enos Bishop were the summer past captivated by some of the St. Francois Indians and are now in the hands of the French & Indians, And application having been made for some assistance towards their redemption,

Therefore Voted that there be and hereby is granted the sum of one hundred & fifty Pounds sterling money of Great Britain towards the Redemption of the persons above mentioned. And that Mr. Speaker and Henry Sherburne jun. Esq. be a Committee of this house to joyn with such as may be appointed by the Honourable the Council to draw a Bill or Bills on John Thomlinson Esq. agent for this Province at the Court of Great Britain for said sum to be paid out of the Interest of the money belonging unto this government in his hands to be made use of by them for the end and purpose aforesaid, namely, for the redemption of the whole

number or part of the said persons in the best way and manner they can.(a.)

Sent up 20th by Deacon Tuck.

(a) Sent back to the house, by the Council, with a written vote thereon for augmenting the said sum & altering the method proposed in the sd vote for procuring the captives—Jour. C. & Assm.

Whereas there is an immediate necessity of the sum of one hundred and fifty pounds Sterling to be used and employ'd towards the Redemption of a number of persons now in Captivity among the French and Indians and whereas a vote has been past in this house this day for the drawing on John Thomlinson Esq. agent [p. 483.] for this Province at the Court of Great Britain for said sum out of the Interest of the money belonging unto this Government in his hands: Therefore Voted that there be a tax laid on the Polls and Estates within this Province of the sum of four hundred and fifty pounds new tenor bills of credit on this Province to be paid by the last day of December one thousand seven hundred and fifty seven, in order to sink so much of the bills of Credit emitted by this government for the intended Expedition against Canada, and that an act be drawn up accordingly.(a) Sent up 20th by Deacon Tuck.

(a) Joseph Blanchard Esq. bro't into the house a Muster Roll, and made oath unto the truth of the same.

[p. 488.] Thursday January 2d 1755.

The Secretary bro't into the House a letter from Govr Shirley to Govr Wentworth, a vote of the Genl Assembly of the Massachusetts Bay relating to the Redeeming ye Captives at Canada, & a Message from his Excellency to the Council & Assembly relative thereto; also a message from his Excellency relative to the prison & the report of Jeremiah Libby and Nathl Meserve Esq. concerning the Prison.

Letter from Govr Shirley to Govr Wentworth.

[Copied from Prov. Rec. B. I. p. 265.]

Sir—The Assembly of this Province having been apprised of some measures your Excellency's Government are taking for the Redemption of such persons taken by the Indians and carried prisoners into Canada, as belong to your Province, are desirous to join with you in this affair, that some expense may be saved to both governments by employing one and the same person to transact this business a tCanada, have judged *Capt. Phineas Stevens* (1) (*one of your own government*) *to be a proper person to*

(1) See notice of Capt. Phineas Stevens, in narrative of Mrs. Johnson's captivity. *Farm. & Moore, Hist. Coll. Vol. I. pp.* 182–189.

be employed in this service, and the Council and House of Representatives have desired me to write to your Excellency on this subject, as you will see by the Inclosed copy of their vote: Your Excellency will therefore be pleased to let me have your answer as soon as may be that so the matter may be fully agreed upon before our General Assembly rises; I am with great regard, Sir,

Your Excellencys most Humble
And most obedient servant
W. SHIRLEY.

His Excellency Benning Wentworth, Esq.
Indorsed–" Govr. Shirleys letter—
1754, ab't redemption of
Captives."

Vote of the General Assembly of Massachusetts.

[Copied from Prov. Rec., B. I, p. 280.]

Inasmuch as sundry persons belonging to this Province, some of whom were soldiers and taken from the fort on Kennebeck River, are now in captivity at Canada,—and as this Court have been inform'd that there are also divers persons in captivity at Canada belonging to the Government of New Hampshire,—Therefore,

Voted That his Excellency the Captain General be desired, as soon as may be, to write to the Governour of New Hampshire, informing him, that this Court propose to employ Captn Phineas Stevens of No. 4, to go to Canada redeem the captives belonging to this Government: Provided the Government of New Hampshire will also employ him, and pay a proportionable part of the expence of his journey, according to the number he shall recover from their captivity for the respective Governments.

Sent up for concurrence

T. Hubbard, Spk^r.

In Council, Decem^r 27, 1754, Read & concurr'd.

Thos Clarke, Dep^y Sec^y.

A true copy—attest J. Willard, Sec^y.

Message of Governor Wentworth, relating to Captives.

[Copied from MS. Gov^rs Messages, Vol. II, p. 183.]

Province of
New Hampshire.

Gentlemen of the Council
& of the Assembly

I have directed the Secretary to lay before you a letter I received from Governor Shirley, together with a vote of the House of Representatives in his Government, of the 27th Instant, concurrd the same day by the Council, both which I received by an Express last night.

When you have duly considered the Import of the Governors letter, & of the House of Representatives vote, & can be satisfied that the method therein proposed for the redemption of the persons in Captivity belonging to this Province will be a saveing to the Government, I hope you will make the dispatch necessary on this occasion.

The Government of the Massachusetts having experienced the charges of redeeming their Captives by the hands of the Dutch traders at Albany,

& by the hands of private persons & finding the redemption of captives is more certain & attended with less expence, when put into the hands of their own messengers, than when conducted by the traders at Albany who have frequently, according to my information omitted the redemption of some, because they were obliged to pay the French or Indians from whom they purchased them near the value allowed by the Government, & I am apprehensive this has Led the Massachusetts Government into the present measures they are now now pursuing.

B. WENTWORTH.

Council Chamber in
Portsmouth, December 30th 1754.

Message of Governor Wentworth relating to the Prison.

[Copied from MS. Govrs Messages, Vol. II, p. 179.]

Province of
New Hampshire
Gentlemen of the
Council & of the Assembly

The Kings Attorney General having on the 27th Instant, represented to me the insufficiency of his Majesty's Goal, I Immediately took the same under my consideration and appointed two persons well skilled in timber work, & repairing wooden buildings, to make a critical examination into the state of the prison, & to report to me what repairs would be necessary to make the prison secure for the present, untill a new one could be built, which report you will herewith have laid before you & which I approve for the present necessity.(1)

B. WENTWORTH.

Council Chamber
in Portsmouth, Decr 30th
1754.

The House adjourned to three of the clock P. M.

[p. 489.] Voted That the following be sent to his Excellency as an answer to his Message of ye 30th of Decr last relative to the Captives at Canada, viz.

May it please your Excellency,

The House have considered of your Excellencys Message of ye 30th day of Decr last relative to the letter from Governor Shirley to your Excellency, and the vote of the House of Representatives and Council of the Province of the Massachusetts Bay of ye 27th of Decr afored referr'd unto in your Excellency's said message, and having on the 19th day of Decr afores'd passed a vote for the redemption of the Captives therein mentioned, in the hands of the French and Indians, which vote was sent up to the Honorable the Council the 20th of Decr afores'd, They cannot see their way clear to come into any other measures for Redeeming the said Captives.

Sent the 3d by Messrs Gidding & Stevens.

(1) The Report of Jeremiah Libbey and Nathl. Meserve above referred to, cannot now be found.—ED.

Voted That the following be sent unto his Excellency as an answer unto his Excellency's message of the thirtyeth day of December, 1754, relative to the state and condition of the provincial Goal.

May it please your Excellency

The House have considered of your Excellencys Message of the thirtyeth day of December last relative to the State and condition of the Provincial Goal and they having passed a vote of the twenty-fifth of April last [p. 490.] appointing a committee of this house to joyn with such as might be appointed by the Honourable the Council to make such Reparations to said Goal, &c. as they should judge proper, which vote was sent up to the Council on the same twenty-fifth of April aforesaid in consequence of which Vote nothing having been done, and the House since this session being informed that the said Goal was not fit either for criminals or Debtors, They on the nineteenth day of December last passed a vote appointing a Committee of this House to joyn with such as might be appointed by the Honourable the Council to make such Reparation &c. to said Goal as they might judge proper, which vote last mentioned was sent up to the Honourable the Council the twentyeth day of December aforesaid, and are of opinion that it will be best and most for the Benefit and advantage of the Government that the said vote last mentioned be pursued and acted upon. (a)

(a) Daniel Peirce Esq. appointed Recorder of Deeds and Conveyances, for one year—p. 490.

(b) Matthew Livermore, a Committee, on the part of the House, to farm out the Excise, for one year—p. 492.

[p. 492.] Saturday January 4th 1755.

The Secretary came into the House with the message of this House to his Excellency relative to the captives at Canada and said that the Governor and Council were of opinion it would be better to agree with some person to go to Canada than to proceed in the method already voted and agreed upon by the House.

The Secretary bro't into the House the vote of this house of ye 19th of Decr last relative to the captives in Canada with the vote of [p. 493.] Council thereon—which vote of Council was read and non concurr'd, and further Voted yt the house adhere to their former vote. Sent back by Messrs Page & Stevens.

The Bill for granting his Majesty the sum of £1500 being read, Voted yt it pass to be enacted, and sent up by Capt. Gilman and Dr. March. (a)

(a) Jan. 6, 1755. Muster Rolls allowed, &c.

Of Robert Kimball for himself & nine men,	£14 : 15 : 0
of Joseph Kimball for himself & nine men,	14 : 11 : 2
of Ezekiel Sanborn for himself & nine men,	14 : 15 : 0
of Thomas Lucas for himself & five men,	16 : 5 : 0
of Col. Peter Gilman for billeting Scouts,	29 : 12 : 6
of John Webster for himself & nineteen men,	100 : 3 : 1

of Jonathan Evans for himself & six men,	18: 5: 6
of Joseph Bickford for himself & seven men,	19: 18: 8
of John Odlin for himself & thirty troopers,	42: 5: 10 1-2
of Jonathan Greeley for himself & twenty troopers,	60: 1: 8
of Major Goffe, Maj. Bellows & Coll. Willards,	1096: 5: 0
of Coll. Blanchard, for his trouble in Recs & paying ye money & making up the muster Rolls,	10: 0: 0
To James Osgood, allowed for subsisting & nursing Samuel Houston, a sick soldier,	5: 2: 6
To Col. Jos. Willard, for an express sending home Wm. Stevens a sick soldier, his acct in full.	7: 0: 0

(b) Allowed for Trouble in making up muster Rolls.

Capt. John Odlin,	£0: 7: 6	Ezekiel Sanborn,	0: 5: 0
" John Greeley	0: 7: 6	Robert Kymball,	0: 5: 0
" John Webster	0: 7: 0	Jonathan Evans	0: 5: 0
" Joseph Bickford	0: 5: 0	Thomas Lucas	0: 5: 0
" Joseph Kymball,	0: 5: 0	Total £2: 12: 0.	

[Concurred by Council.]

[p. 496.] Tuesday, Jany 7th 1755.

Whereas there is great reason to suspect yt many Counterfeit Bills are passing made in Imitation of the true Bills of Credit of this Province,

Voted That all Justices of the Peace and other proper officers within this Province be directed and they are hereby directed to make diligent search and enquiry after all persons suspected to be concerned in counterfeiting or altering any such counterfeit Bills [p. 497.] knowing them to be such and use their utmost endeavors to have the guilty brought to condign punishment, and for the encouragement of all proper officers to be obedient and industrious to discover the authors of so pernicious a practice, It is further Voted, That the necessary charge and expence they may be at shall be defrayed out of the publick Treasury provided that no person of ability shall be so convicted as to be subjected to pay the costs.(a)

Sent up by Mr. Memurphy ye 8th.

(a) Capt John Light allowed, for apprehending William Bowen	£64: 6: 0
John Green allowed for apprehending Eliphas Dow,	8: 12: 0
Jon. Thompson allowed for apprehending Jeremiah Tibbets,	7: 10: 0
Hezekiah Jennes, for Express to Dunstable,	3: 0: 0
(b) Accompt of William Parker Esq. for revising Laws &c. allowed	31: 0: 0
" of Thomas Packer, Sheriff, relating to rescue of Bowen,	7: 10: 0
(c) Accompt of Comrs to treat with Indians at Albany allowed	187: 0: 0
" of Comrs to treat with Indians at Casco, allowed	43: 3: 6
" of Eleazer Russell, for paper, books, &c. allowed	0: 12: 10

[Concurred by Council.]

Wednesday afternoon Jany 8, 1755.

Met according to adjournment.

Whereas Elisha Sweat, Saml Fifield & Benjamin Stevens agents for the Proprietors of the Town of Kingstown have Petitioned the General Assembly of this Province to lend them the sum of one hundred pounds Sterg. money to Enable them to carry on a suit before his Maj^{ty} in Council now depending there between Nathl French & Thos. Follingsby &c. & signified in ye Petition that they are ready to give Security for ye Repaym^{t} thereof as the Gen. Assemb. shall please to order,

Voted That the prayer of the Petition be granted & That the Honb. Theod. Atkinson, Richd Wibird Meshech Weare, Esqs. & Henry Sherburne jun. be and hereby are appointed a Com^{tee}, they or the major part of them to draw a Bill in favor of the petitioners on John Thomlinson Esq. agent for this Prov. at the Court of Great Britain for the sum of one hundred pounds Ster^{g} of the Interest in the hands of the said John Thomlinson, Esq. belonging to this Government, & y^{t} Elisha Sweat, Samuel Fifield & Benj^{a}. Stevens the petitioners give good security unto ye s^{d} Com^{tee} for the payment of the sum of three hundred pounds Bills of Credit new Ten^{r} on this Province within one year from ye date of s^{d} Bill to be by them Drawn as afores^{d} with six pr cent Interest in like Bills & that the s^{d} Com^{tee} put ye s^{d} principal & In^{t} when Rec^{d} into ye Treasury of y^{s} Province (taking a Receipt for the same) & that the same be burnt to ashes in the face of the Gen. Assemb. in order to sink so much of ye s^{d} Bills of Credit of this Prov. emitted for carrying on the intended Expedition against Canada. Sent up ye 9th by Capt. Gillman. [Concurred.]

Message from the Governor relating to Justices of the Superior Court.

[Copied from MS. Gov^{rs} Messages, Vol. II, p. 185.]

Province of
New Hampshire

Mr. Speaker & Gentlemen of the Assembly—

Upon the resignation of the late Chief Justice,(1) during whose administration that Court was fallen into great disorder, and by repeated delays the course of Justice was in a manner put a stop to, for remedying thereof, I prevailed on the Honble Theodore Atkinson, Esq. to accept of a Commission for Chief Justice, & upon his acceptance, the other three Justices (who were upon the point of resigning) accepted allso, upon condition that as soon as the matters then depending, & that had laid so much beyond the usual time, were put in order, they might have leave to resign, without Incurring my displeasure; which I thought it my duty both to his Majesty & his subjects to consent to, adding this condition, That if at the next sitting of the General Assembly proper provision was not made for supporting the Dignity of that Court, I could have no objection. Upon this promise I received a letter signed by the Chief Justice & two of the other Justices, which you will have herewith delivered to you.

(1) Hon. Ellis Huske, was Chief Justice from 1749 to 1754.—Ed.

Knowing how interesting it was to his Majesty's subjects to have this Court filled with persons whose integrity & usefulness could not be questioned, I have taken care accordingly in my appointment, & I would in the most serious manner recommend it to you, that it may be your care, that a salary be fixed on the Chief Justice and the other Justices to enable them to support the Dignity of a Court, in which both the lives & fortunes of all his Majesty's subjects center; otherwise this Court must fall through, or persons unequal to the Station must supply the vacancys, which upon any neglect of yours in what I have recommended, must happen.

B. WENTWORTH.

Council Chamber in
Portsmouth, Jany 8th 1755.

[P. 501.] Joseph Blanchard Esq. laying his account before the house relating to the extra expenses on ye soldiers sent ye summer last to Merrymack and Connecticut River amounting to the sum of twenty-two pounds three shilling & six pence new ten^{r} Voted That it be allowed and paid out of ye money in the Treasury for that end, the ammunition mentioned in s^{d} acct being allowed in the muster Rolls. Sent up Saturday 11th Jany 1755. [Concurred.]

Col. Blanchard to Governor Wentworth.

[Copied from MS. Gov^{rs} Messages, Vol. II, p. 191.]

The total of the wages of the Troops posted on Merrimack River, 1754,

for 3945 days, wages	£391 : 17 : 12
Billeting, at 1s, 3d. pr day	246 : 11 : 2
	£638 : 9 : 2
Deduct from each officer & soldier in the above muster role the wages & Billeting charged after ye 7th of November	£569 : 9 : 2
Allowance for ammunition—	15 : 12 : 6
	£585 : 1 : 6

The total of the muster-rool of the Troops under Maj^{r} Bellows:

On Connecticut River, 1754, Wages,	£174 : 19 : 0
Billeting 1751 days, at 1-3*d*	109 : 4 : 9
	£284 : 3 : 9
Deduct from each officer & soldier in the above muster-rool, wages & billeting after the 9th of Nov^{r}, 288 days,	£27 : 9 : 2
Total,	£256 : 14 : 7
Amunition	7 : 0 : 0
	£263 : 14 : 7

The total of the Muster-rool under Col. Josiah Willard on Connecticut river, total of wages

	£165 : 6 : 0
Subsistance 1659 days, at 1-3*d* pr day	103 : 13 : 9
	£268 : 19 : 9

Deduct from each officer & souldier in the above muster-rool the wages & billeting, after ye 9th of Novr, 234 days	£37 : 12 : 0
	£231 : 7 : 9
Amunition	6 : 7 : 0
(This miscast at loss 6s)	£237 : 14 : 9
Amunition delivered more than allowed to the soldiers	£17 : 2 : 6
Besides the several quantities many of the soldiers supply'd themselves with,	
Deduction from ye first vote of the House for subsistance 1-3 *d* pr. day,	£91 : 8 : 9
	£108 : 11 : 3
Deduction bro't over	134 : 1 : 2
	£242 : 12 : 5

All exclusive of the charges for subsistance in marching the men to their several posts—which accts now lye before the Genl Assembly.

May it please your Excellency—

The aforegoing I extracted from the votes of ye Assembly passed on ye muster-rools & the subductions as they stated them, in which we are at loss besides much time & expense, £242 : 12 : 5. N. Tenr, in which your Excellency's Interposition is most humbly solicited for Relief of ye Troops, by your Excellency's most Dutifull & most obedt servt

Joseph Blanchard.

His Excellency B. Wentworth, Govr &c.

[p. 502.] Wednesday, Jany 15th 1755.

Whereas there is an absolute necessity of raising a large sum of money for the defence of the Frontiers of this Province against the Common Enemy and carrying his Majestys orders communicated by Sir Thomas Robinson's Letter (1) to his Excellency the Governor into Execution, and whereas the Building or purchasing a Provincial House for his Excellency the Governor to dwell in will be of public Benefit,

Voted, That there be a Tax of one Penny per acre laid upon all [p. 503.] the lands within this Province that are granted or laid out into townships or otherwise Improved or unimproved for two years to be applyed to and for the uses aforesaid as the General Assembly shall order, and to be collected in such way and manner as the General Assembly may agree upon, and that Henry Sherburn junr and John Page Esq. be a Committee of this house to joyn with such as may be appointed by the Honble the Council to draw up an act accordingly ;—and further, Voted That when a suitable act has passed all the three Branches for the ends aforesd

(1) Sir Thomas Robinson's letter not found.—Ed.

that then such sums of money as may be wanted for present emergencies be borrowed on the Credit of the aforementioned Fund. Sent up by Mr. Wiggin. [Non-concurred.]

Fryday Jany 17th 1755.

Whereas it appears to this House that it will be of great Benefit and advantage to the Inhabitants of this Province, if this Province was divided and made into Countys, Therefore Voted, that this Province be divided and made into two Countys, and that the dividing line between the said two Countys shall be the River Merrimack, and the County lying to the Eastward of Merrymack River shall be called the County of Portsmouth, and that the County lying to the westward of Merrimack River afores^{d} shall be called the County of Cumberland. And that the shire town in the said County of Portsmouth shall be the town of Portsmouth. And that there shall be held and kept at the town of Portsmouth afores^{d} Two Courts of Genl Sessions of the Peace and two Inf^{r} Courts of [p. 505.] Common Pleas within the said County of Portsmouth yearly at such days and times as shall be agreed upon, And two Courts of Genl Sessions of the Peace and two Inferiour Courts of Common Pleas at Exeter within the said County of Portsmouth yearly at such days and times as shall be agreed upon and one Superiour Court of Judicature, Court of Assize and General Goal Delivery at Portsmouth aforesaid yearly, at such time as shall be agreed upon—and one Superiour Court of Judicature, Court of Assize and General Goal Delivery at Exeter aforesaid yearly at such time as shall be agreed upon, And four Courts of General Sessions of the Peace, four Inferiour Courts of Common Pleas and one Superiour Court of Judicature, Court of Assize and General Goal Delivery yearly at the town of Dunstable in said County of Cumberland, (which town of Dunstable shall be the shire Town of said County of Cumberland) at such days and times as shall be agreed upon and that Capt. Israel Gilman and Mr. Jon^{a} Lovewell be a Com^{tee} of this House to joyn with such as may be appointed by the Honble the Council to draw up an act accordingly.

And farther Voted That in case the vote aforesaid, shall be carry'd into execution, that there shall be allow'd and paid out of the money that is or may be in the Treasury unto the Justices of the Supe^{r} Court of Jud^{e} &c. for this Province the sum of one hundred and fifty pounds new Ten^{r} for one year from ye time the act afores^{d} shall take place, the better to enable them to attend the business of the County.

Sent up by Mr. Memurphy.(a)

[p. 506.] Eleaz^{r} Russell, and Henry Sherburne jun Esqr. desired liberty to enter their dissents against the foregoing votes which was granted.

(a) [To the above vote the Council say] "That the Council agree unanimously with the house in its being very expedient to have the Province divided into two Counties and are Desirous of & should forward the same's being don, but could by no means consent to the Courts being moved from Portsm° to Exeter, that having been heretofore don by an act of Assembly & the said Act being repealed by his Majesty & therefore the Council could not Enter into that consideration. Also inform the house that they tho't a Salary for the Judges of the Superior Court very necessary, but as it was in the vote granted conditionally and tacked to the other vote for moving the Courts—the Council could only advise to a new vote for that article." Jour. C. & Assem. p. 135.

The House adjournd till three of the clock in the afternoon by order of the Speak^r.

Post Meridiem.

Met according to adjournment. Theodore Atkinson, Richd Wibird and Danl Warner Esqs. came into the house and deliv'r^d a verball message from the Council relating to the votes of this house concerning the Rating the improved and unimproved lands in this Province granted into Townships and otherwise and to the dividing ye Province into Countys and offerd sundry objections why the Council could not concur with the said votes, but did not leave the s^d votes or either of them with the House.

They also bro't into the house a written message from his Excellency the Governour relating to the muster Rolls.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 187.]

Province of
New Hampshire.

Mr. Speaker &
Gentlemen of the Assembly.

The delay in passing the muster Rolls in your house for the troops I posted on Merrimac & Connecticut Rivers, for the safety and protection of his Majesty's Subjects on the frontiers, has occasion'd a very great expense to the officers attending that Service, and the deductions you made for pay & subsistance on those troops, I am apprehensive will be very prejudicial to his Majesty's service in all future levies.

These deductions & the great expence the officers were at in attending, moved my Compassion towards them, from which I was prevailed upon to assent to your vote, (concurr'd by his Majesty's Council for the same reasons) with the deductions made on the Rolls of pay & subsistance, ammunition, &c. an instance of the like kind cannot be produced from the Records of the Parliament, it being the constant care of the Parliament not to infringe on the Prerogative of the Crown. Therefore since you have undertaken to pass upon & examine all muster Rolls, as soon as the officer has satisfied the House that the troops contained in his Roll were levied and posted by my orders, as near as the nature & circumstances of things would admit, it was your duty & obligation in support of such orders, without either delay or deductions to have passed upon them, otherwise his Majestys service is, & may be more affected than you can conceive of.

The officer I appointed to command the Troops in the Sumer past, according to his usual Zeal and activity executed my commands out of a broken scattered Regiment, & his services ought to meet with your highest encouragement; but I am perswaded they were not duly weighed by the House, when there was no allowance made for his pay as Commander of the Troops; a matter of such consequence to his Majestys service well deserves your attention.

As soon as the Grants were made for the defence of the frontiers, I took under my consideration from what regiment the Troops could be detached, that would make the greatest saving to the Government, and finding that the difference would be very great between drafting them from Coll. Blanchard's regiment & the lower regiments, besides the difference in their usefulness to the frontiers, I made the principal Levy from his regiment with orders to get subsistance at the Expence of the Government, which was accordingly done, not in the lest doubting, but that I should have the concurrence of every branch of the Legislature, in giving the highest encouragement to the provision countrys that could afford this aid to the Government, since the charges in transporting subsistance to the frontiers had been experienced to amount to more than the first cost in the Treasury.

If the House had taken these things uprightly under consideration, the rolls would have been properly passed, the honour and Interest of the Government saved, & I should not have given you the trouble of this Message, & the application made to me for redress as you may observe by the Extracts from your votes, herewi h delivered to you.

B. Wentworth.

Council Chamber in
Portsmonth, January 17, 1755.

The House taking under consideration that part of his Excellency's message of ye 11th Decr last relating to his Salary and the Question being put whether the two hundred and fifty Pounds pr year for his more Honble and ample Support, arising from the act for the twenty five thousand Pounds Loan, extended beyond the duration and continuance of the said act, it passed unanimously in the Negative.

[p. 507.] Also the Question being put whether the payment of the sum of two hundred & fifty pounds new Ten^r yearly to his Excellency during the continuance of the act for the twenty five thousand Pounds loan, was not in full discharge of the grant made to him by the s^d act towards his more Honble and ample support—it passed in the affirmative.

Daniel Pierce Esq. came into the House and gave Bond for the faithfull discharge of the office of Recorder, and had the office oath administered unto him by the Honble Meshech Weare, Esq.

Voted, That Henry Sherburne jun. Esq. and Matthew Livermore be a Committee of this House to draw an answer unto his Excellencys message of this day.

Wednesday, Jany 22^d 1755, A. M.

Matthew Livermore Esq. Clerk of the House being absent,

Voted, That Henry Sherburne jun. be clerk of the house pro Tempore.

Mr. Lovell sent to the Council with a Message to withdraw for farming out the Excise.

[p. 509.] Mr. Secretary brought down the vote for farming out the Excise & the following vote was passed & sent up in the room of it, viz.

Whereas by an Act entitled an Act for granting unto his Majesty an Excise on several Liquors, it was Enacted that there should be paid by all Tavern-Keepers, Inholders & Retailers for all such wine, Rum & other spiritts, Cyder & Perry as they should sell or Retail, the Excise following, viz. By every Taverner or Inholder eight pence pr gallon on wine, rum & any other spiritts, & for cyder or Perry eighteen pence pr. barrel & by every Retailer out of Doors six pence pr Gall. on any wine, Rum & other Spiritts, & whereas it appears that the s^d^ Excise was set at too low a Rate in s^d^ act,

Voted, That all Tavern keepers, Inholders & Retailers within this Province pay the following excise for all wine, Rum, & other Spiritts, Cyder & Perry which they shall sell or Retail, viz. ten pence pr. Gall. on wine, Rum & any other spiritts & for cyder & Perry two shillings pr barrell, for one year from the first day of January Inst. & that instead of farming out the Excise as in times past, the Province be divided into Districts & that Collectors be appointed to collect ye s^d^ Excise, y^t^ the s^d^ collectors be invested with all the powers & authorities as the farmers of the Excise had by any former acts: that when the s^d^ Collectors are appointed they be under oath for the faithfull Discharge of ye s^d^ Trust & that each of them give Bond to the Speaker of this House for the time being in the sum of two thous^d^ pounds new ten^r^ with two sufficient sureties joyntly & severally; that such Collector shall do all in his power to collect the same in his respective district & pay what he shall Receive of s^d^ Excise or for fines unto the Treasurer of this Province for the time being half yearly, deducting what shall be allowed him for collecting the same & that such collector shall also render an acc^t^ thereof under oath unto the General Assembly when thereunto Required, & that there be Duplicates of ye s^d^ Bonds taken one of which shall be lodged with the Speaker of this House for the time being, and the other with the Secretary.

[p. 510.] Further Voted, That the Districts be as follows, viz.

1st Dist. That Portsmouth, New Castle, Rye, Greenland, Newington, North Hampton & Gosport be one District, & that Richd Jennes, Rye, Esq. be the collector for that District & that he be allowed four & an half pr cent for what money he shall collect in that District.

2^d^ Dist. That Exeter, Hampton, Hampton Falls, South Hampton, Kensington, Kingstown, East Kingstown, Newton, Stratham, Epping & Brentwood be one District & that Coll. Peter Gillman

of Exeter, Esq. be the collector for that District & that he be allowed six pr cent for what money he shall collect in s^{d} District.

3^{d} Dist. That Dover, Durham, Rochester, Barrington, Summersworth, New market, Nottingham & Epsom be one District & that John Wentworth, of Summersworth, Gent. be the Collector for s^{d} District & that he be allowed six pr Cent for what money he shall collect in s^{d} District.

4th Dist. That Plastow, Hampstead, Chester, Londonderry, Derryfield, Pelham, Salem & Windham be one District & that John Memurphy of Londonderry, Esq. be the Collector for that District & that he be allowed se'n & an half pr cent for what money he shall collect in s^{d} District.

5th Dist. That Nottingham West, Litchfield & all other Towns & places on the East & West side of Merrimack River not before mentioned be one District, & that Jonathan Lovell of Dunstable, Gent. be the Collector for s^{d} District & that he be allowed se'n & an half pr Cent for what money he shall collect in s^{d} District.

Further Voted That each of ye s^{d} Collectors be furnished with a copy of the act that may [be] made in consequence of this vote, & any other necessary papers at the charge of the Province,—also that the Province shall be at the cost of the Bond that shall be given & oaths administ^{d} to those persons that shall pay Excise & that John Memurphy Esq. & Mr. Jonathan Lovell be a Com^{tee} of this House to joyn with such as may be appointed by the Honble Council to draw up an act accordingly. [Concurred.]

The House adjournd till three of the clock in ye afternoon.

[P. 511.] P. M.

Met according to adjournment.

Whereas it appears to this House that it will be of great advantage to the Inhabitants of this Government to have this Province divided into Counties, Therefore

Voted, That this Province be divided into three Counties, & that Portsmouth, New Castle, Rye, Hampton, North Hampton, Stratham, Greenland, Newington, Dover, Durham, Summersworth, Rochester, Barrington, & Gosport be one County, That Portsmouth be the shire Town & that all the courts to be held in s^{d} county by virtue of this vote be held at s^{d} Portsmouth.

That Exeter, Hampton Falls, Kensington, South Hampton, Newton, Kingston, East Kingston, Brentwood, Epping, New Market, Nottingham, Chester, Londonderry, Hampstead, Plastow, Salem, Pelham, Windham, Derryfield, Epsom, and all other Towns and places not before mentioned on ye east side of Merrymake River, except Nottingham West & Litchfield, be one County, and that Exeter be the Shire Town; that one Inf^{r} Court of Common Pleas & one Court of Genl Quart^{r} Sessions for ye yeare and every year be held at Londonderry, and that all the rest of the Courts to be held in s^{d} County by virtue of this vote, be held at Exeter.

That Nottingham West and Litchfield and all Towns and places on the West side of Merymack River be one County, that Dunstable be the shire Town & that all the Courts to be held in s^d^ County be held at Dunstable, till otherwise ordered by the Genl Assemb.

That there be held yearly in each County four Inf^r^ Courts of Common Pleas & four Courts of Genl Quar^r^ Sessions of the peace, Two Superiour Courts of Judicature, Courts of Assize & Gen. Goal Delivery in each of the lower Countys and one in the upper County under such Regulations as shall be agreed upon by the Genl Assembly. That there be one Court of Probates & Register of Deeds in the Shire Towns of each County, & that Coll. Peter Gillman Esq. & Mr. Jonathan Lovell & Math. Livermore Esq. be a Com^tee^ of this House to joyn with such as may be appointed by the Honb. Councill to draw up an act accordingly. Sent up by Mr. Giddings. [Concurred with an amendment. Jour. C. & Assem., p. 140.]

[p. 512.] Fryday afternoon, January ye 24th, 1755.

Whereas there is a number of Blank sheets in the Province Box which were struck of from the plates when the Bills of Credit were paid & whereas there is Reason to suspect that there are many Counterfeit Bills passing made in imitation of the true Bills of [p. 513.] Credit of this Province, and whereas it may be of publick Benefit for each of the members of the Councill & Assemb. and also the Treasurer to have a Blank sheet for each plate by them that by comparing the Counterfeit Bills may be the more safely detected, Therefore

Voted, That there be delivered out of the s^d^ Box unto each member of his Majesty's Councill and to each member of the Genl Assemb. & also to the Province Treasurer one of ye s^d^ Blank sheets from each plate to be by them kept & taken care of for the purpose afores^d^ & that they be returned again into the Province Box when the Genl Assemb. shall give orders therefor. Sent up by Messrs Wentworth & Knight.

Mr. Secretary brought down the foregoing vote concurred, with ye following amendment, viz. After the words *each plate*, the words being first wrote in the space on each bill for the signers names, viz, This Bill not to pass but be returned a Blank &c. which being read,

Voted That it be concurred with; and the vote sent up again by Messrs Philbrick & Wiggin.

An Act Entitled An Act for the Raising & Collecting sundry sums in bills of Credit on this Province due from sundry places unto ye Governm^t^ wch cannot be rais'd and collected for want of a

Law to enable some person or persons to collect ye same, having been read three times,

Voted That it pass to be Enacted.(1)

Wednesday, Jany 29, 1755.

[p. 515.] Richd Wibird Esq bro't into the House a message from his Excellency relating to the lett^r from Sir Thos. Robinson.

Governor's Message.

[Copied from MS. Gov^rs Messages Vol. II, p. 197.]

Gentlemen of the Assembly

The day His Majesty's Commands arrived signified to me in Sr Thomas Robinson's letter I lost no time in laying the same before the General Assembly, being then sitting.

In consequence of his Majesty's Commands in the before recited letter, Sr. William Pepperell demands of me an order on the Treasury for a sum of money which he will account for as his Majesty shall order,—which he says will greatly contribute towards fitting & completing his Regiment.

Sir William likewise demands my orders for billeting & quartering the soldiers that are already raised, or may be raised within my government for his Majesty's service & in obedience to his commands.

The Government of Connecticut I am informed have resolved to bear the expence of three hundred men, as to subsistance, & have under consideration a bounty, to Encourage men to Inlist to fill up the new Regiments.

Upon these points I have been waiting & expecting your determination for a longer time than I could reasonably expect, & as I have desired a day or two to give my Answer to Sir William Pepperell's demands, I shall not be dubions, but that you will exert yourselves, and fully enable me to Execute his Majesty's Commands, which appear to me not on^ly Just, but reasonable.

B. Wentworth.

Council Chamber
in Portsmouth, Jan^y
28th 1755.

Answer to Governor's Message.

May it please your Excellency

In answer to your Excellency's message of yesterday to this House permit us to say that on the fifteenth Instant this House passed a vote for raising a sum to answer the ends proposed in Sir Thomas Robinson's letter to your Exc^y, wch vote was sent up to the Honble the Council the same day. The House at present do not know of, nor can they think of any other way, whereby they can raise any sum of money under the present difficult and distressing circumstances and situations of the Provincial affairs.

[p. 516.] We are desirous of contributing everything in our power to answer his Majesty's expectation and designs for the common good of his subjects in these parts, and it appears to us that if the above vote

(1) See an application of this Act to Bow. in Bouton's Hist. of Concord, pp. 216-218.—Ed.

should pass & be carryed into execution, it will be the best provision we can make for these ends.

We do not know what right Sir Wm. Pepperell may have to make such demands on your Exc^y as mentioned in your Exc^ys message, we can find nothing in Sir Thomas Robinson's Letter that countenances such demands.

Voted That the above be sent to his Excellency as an answer unto his Excellency's message to this House yesterday. Sent up by Messrs Mcmurphy and Thomas.

Col. Downing bro't into the House a message from his Excellency with Mr. Mitchell's acc^t.

Governor's Message.

Mr. Speaker and Gentlemen of the Assembly.

The account of George Mitchell Esq. which you will herewith have deliverd to you, was a debt arising to the Province in consequence of orders & directions I received from the Right Honble the Lords Commissioners of Trade and Plantations, and as those plans have long since been transmitted by me, by their Lordships commands, I am hoping you will not fail of making a reasonable allowance for said service.

B. Wentworth.

Council Chamber in
Portsmouth, Jan. 29th. 1755.

Dr. His Majesty's Province of New Hampshire, to George Mitchell. Cr.

To 23 Days said Mitchell was Imployed in collecting several surveys & in Reducing the same to one scale in order to lay down a Map of the Province, at 10s ster^g. pr Diem	£115 : 0 : 0.
64 Days Imployed in Drawing two copys of the same—	£320 : 0 : 0
Paid for Paper for said use—	2 : 0 : 0
Paid Joseph Buss for two Boxes to Inclose the Maps—	3 : 0 : 0
Old Tenor	£440 : 0 : 0

pr. George Mitchell.

Portsmouth, Octo^r 3^d. 1751.

[The following Journal and acc^t of Walter Bryent for running the Dividing line between the Province of New Hampshire and the Province of Maine, was recently found by the editor in a MS. volume in the Secretary's office, labelled "Province Boundaries 1677–1767."]

Walter Bryents Journal in running the Boundary between New Hampshire and that part of the Massachusetts Bay called County of York, 1741.

March 13, Fryday. I set out from New-Market with eight men to assist me, in running & marking out one of the Province Bounderys — lodged at Cochecho.

14. Saturday. Sent our Baggage on loging sleds to Rochester from Cochecho under the care of three men, the other five continuing with me at Cochecho, it being foul weather.

15. Sunday. Attended Public worship at Cochecho, and in the evening went to Rochester and lodged there.

16. Monday. Travelled through the upper part of Rochester and lodg'd in a Loging Camp.

17. Tuesday. Went on Salmon Fall River & travell'd up said River on the ice above the second pond and campt.

18. Wednesday. Went to the third pond & about two of the clock in the afternoon it rain'd & snow'd very hard & oblidg'd us to camp—extream stormy that night and two men sick.

19. Thursday. Went to the head of Nechawannock River and there set my course, being North two Degrees West, but by the needle North Eight Degrees East, and run a half mile on a neck of Land with three men — then return'd to the other five & campt.

20. Fryday. Crost the head pond which was a mile over, and at two hundred rods distance from s^d head pond was another which lay so in my course that I crost it three times, and has communication with Mousum River as I suppose — from the last mention'd pond, for six mile together I found the land to be pretty even, the growth generally White and Pitch Pine. (N. B. At the end of every mile I mark'd a tree where the place would admit of it, with the number of miles from the head of Nechawannock River.) Went over a mountain from the summit of which I plainly see the White Hills & Ossipa Pond, which [pond] bore about North West and was about four mile distant. There also lay on the north side of said Mountain at a mile distant a pond in the form of a Circle, of the Diameter of three miles, the East End of which I crost. I also crost the River which comes from the East and runs into said pond & campt, had good travelling to-day & went between seven and eight miles.

21. Saturday. In travelling five miles (the land pretty level) from the place where I campt last night, I came to a river which runs out from the last mention'd pond & there track'd an Indian & three Dogs, kill'd two Deer & campt.

22. Sunday. Remain'd in my Camp & about nine o'clock at night the camp was hail'd by two Indians (who were within fifteen rods of it) in so broken English that they called three times before I could understand what they said, which was, "what you do there,"—upon which I spoke to them and immediately upon my speaking they ask'd what news. I told them it was Peace. They answer'd, "May be no." But however, upon my telling them they should not be hurt, and bidding them to come to the Camp, they came & behav'd very orderly and gave me an account of Ossipa pond & River, as also of a place call'd Pigwacket. They told me the way to know when I was at Pigwacket was by observing a certain River which had three large hills on the south west side of it, which narrative of said Indians respecting Ossipa, &c. I found to correspond pretty well with my observations. They also inform'd me of their names which were Sentur & Pease. Sentur is an old man, was in Capt. Lovewell's fight, at which time he was much wounded and lost one of his eyes; the other is a young man. They inform'd me there living was at Ossipa pond. They had no gun but hatchett and spears. Our snow shoes being something broken they readily imparted wherewith to mend them. They would have purchased a gun of me, but could not spare one. They were very inquisitive to know what bro't Englishmen so far in the woods in peace, whereupon I inform'd them. And upon the whole they said they tho't it was war finding Englishmen so far in the woods & further that there were sundry companys of Indians a hunting & they believed that none of s^d companys would let me proceed if they should meet with me.

23. Monday. Parted with Indians & went to Ossipa River which is fifteen miles from the head of Salmon Fall which number of miles I mark'd on a pretty large Tree that lay convenient. (And in my return I found on said Tree a sword handsomely form'd grasp'd by a hand.) One mile from Ossipa River came to a mountain from the top of which I saw the White Hills. Travell'd over five large mountains. Campt.

24. Tuesday. Found the snow very soft to day, so that we sunk half leg deep in snow shoes. See where two Indians had Campt on Hemlock Boughs. Campt. Snow'd all night.

25. Wednesday. Continued snowing all day & night. The general depth of the snow with what fell last night & to day was four foot and an half to five feet deep.

26. Thursday. The Weather fair & clear and in my travel to day saw the White Hills which were West and by North from me, and about seven miles distant as near as I could guess. I also see Pigwaket Plain or Intervale Land as also Pigwaket River which runs from the North West to the South East and cuts the aforesaid Interval to two Triangles, it lying North & South about eight miles in length & four in breadth.

About two or three miles beyond Pigwaket I saw a large body of Water three or four miles long & half a mile broad, but whether River or Pond I do not know.

27. Friday. Finding the travelling Difficult by the softness of the snow and the Rivers and Brooks breaking up, together with some backwardness in my men to venture any further, I concluded to return, which I did accordingly, and on Wednesday the first of April we got safe to New Market and all in good health.

WALTER BRYENT.

Prov: of } May 22, 1741. Mr. Walter Bryent made oath that this is a
N. Hampr } true and exact Journal of his survey of part of one of the divisional boundaries between his Majesty's Province of New Hampshire and the Massachusetts Bay, made by him according to the best of his skill and observations.

Sworn before, Richd Waldron, J' Peace

The charge of Runing ye Dividing line between ye Province of Main for myself and eight men.

To two days myself at Portsmo attending on his Excelly the Governor and Counsell in order to an agreement . .	£1 : 10 : 00
To one day, Ditto 15*s*, and three men that where sworn, for line men, at 10*s* per day, each	2 : 5 : 00
To myself seventeen days, at 23*s* pr Day, ...	19 : 11 : 00
To eight men each 17 days at 13*s* pr Day	88 : 08 : 00
To a Plan & Return by ye agreement £5. (& I gave three) .	5 : 00 : 00
	£116 : 14 : 00
Received	85 : 00 : 00
Remains	£31 : 14 : 00

Errors Excepted pr

Walter Bryant.

Newmarket, 1741.

In the House of Representatives Feb. the 12th 1741 The within allowed to be pd, £31 : 14.

James Jeffrey, Clerk.

In Council Read & concurred, Feb. 18; 1741

R. Waldron

Assented to

B. WENTWORTH.

[p. 517.] Upon reading the vote of Council on ye vote of this house on ye 22^d Instant relating to the Division of this Province into three countys, Voted, That the said vote of Council be nonconcurrd and further Voted, That the house adhere to their former vote with this amendment, viz. That the word *Newton* in the second Paragraph be read New Town.

Sent up 31 by Dea. Philbrick.

The House adjourned till tomorrow morning nine o'clock by order of ye Speak^r (a)

(a) The petition of Jeremiah Webster & others setting fourth that they were proprietors of a tract of land called Stevens-town, within this Province & had built a fort and made considerable Improvements on the said land &c. Praying for soldiers to maintain the Same—read and sent down. Jour. C. & Assem. p. 140.

[p. 518.] *Report of Committee.*

Province of } Jany. 31st 1755.
New Hamp^r }

Agreeable to a vote of the Council and Genl Assembly of the 24th instant, consented to the same day by his Excellency the Governour, we have taken out of the Province Box forty-four Blank sheets of the Great Plate for Impressing Paper Bills on the credit of the Province, and the same Number of the small plate for Ditto and have wrote the words in the same vote ordered, in the space in each Bill for the signers names and have delivered the said Bills as the said vote directed and have left a memorand^m of the same in the said Box, which is humbly submitted, by

Meshech Weare, Speak^r
Theodore Atkinson, Sec^ry

The foregoing Report being presented to the House by the Honble Theodore Atkinson and Meshech Weare Esq. for acceptance,

Voted that it be accepted. Sent up, Feb 1, by Mr. Knight.

The House adjournd till tomorrow morning nine o'clock by order of the Speak^r.

Saturday, Feb. 1st 1755.

The Committee appointed to examine the Treasurer's acc^ts, making Report that there is due unto this Province from said Treasurer to balance the sum of four thousand nine hundred and thirty pounds fourteen shillings and five pence New Ten^r, besides the Province Tax for the year 1754, which is not included.

Voted That the Report of s^d Committee be accepted. Sent up by Capt. Wentworth, Esqr Page & Mr. Philbrick.

Whereas Capt Israel Gilman is willing at the desire of this house to go to Haverhill with proper officers and endeavour the apprehending of Eben^r Kimball and David Emerson, jun. two persons

suspected to be concern'd in counterfeiting and altering Bills in imitation of the Bills of Credit of this Province,

Voted, That s^d Gilman receive out of the publick Treasury twelve Pounds ten shillings new Ten^r to enable him to conduct and manage s^d affair and that he render account thereof to the Genl Assembly. Sent up by Mr. Wiggin. [Concurred.]

The Secretary came into the House and said he was directed by his Excellency to prorogue the Genl Assembly to Tuesday the eleventh day of March next ten of the clock in the forenoon and accordingly in his Majesty's name prorogued the same. (a)

(a) [Before the prorogation the following Bills were passed to be enacted, viz.]

1. An act for granting liberty to the proprietors of Merrimack to lay a Tax on non resident Lands within the said Town.
2. An act for the more easy & speedy prosecuting Actions of ejectment.
3. An act for the more speedy making Partition of real Estates &c.
4. An act for regulating the Town meetings in Bow.
5. Additional act for enforcing the payment of the arrears of the Province tax. Jour. C. p. 140, 141.

Letter from Sir T. Robinson to his Excellency Govr Wentworth. (1)

[Copied from MS. Corr. Vol. II, p. 89.]

Whitehall, Octr 26, 1754.

Sir,

Having informed you in my letter of July 5th that the King had under his consideration the state of affairs in North America, I am now to acquaint you, That amongst other measures that are thought proper for the Defence of his Majesty's just Rights and Dominions in those parts, the King has not only been pleased to order two Regiments of foot consisting of 500 men each, besides commissioned and non-commissioned officers commanded by Sir Peter Hackett and Colonel Dunbar to repair to Virginia and to be there augmented to the number of 700 each, but likewise to send orders to Govr Shirley, and Sir William Pepperell to raise two Regiments whereof they are respectively appointed Colonels, of 1000 men each, and also to sign commissions for a number of officers to serve in the said Two Regiments, and who will forthwith repair to North America for that purpose.

Whereas there will be wanting a considerable number of men to make up the designed complements of the said Regiments, it is his Majesty's pleasure that you should be taking the previous steps towards contributing as far as you can to have about 3000 men in readiness to be enlisted; and it is his Majesty's Intention, That a General Officer of Rank & Capacity to be appointed to command-in-chief, all the King's forces in North America, a Deputy Quartermaster General and a Commissary of the Musters shall set out as soon as conveniently may be in order to prepare every thing for the arrival of the forces above mentioned from Europe, and for the raising the others in America. You will receive from that General Officer and the other officers just mentioned a full and exact account of the arms clothing and other necessaries to be sent upon this important occa-

(1) This letter was referred to by the Governor in an address to the Council, Feb. 26, 1755. (See p. 29.)—Ed.

sion, as likewise of the ordinance, stores, and of the officers and attendants belonging thereto — all which being orderd for this service are such proofs of his Majesty's Regard for the security and welfare of his subjects in those Parts, as cannot fail to excite you to exert yourself and those under your care to take the most vigorous steps to Repell your common danger, and to shew that the King's orders which were sent you last year by the Earl of Holderness and were renewed to you, in my letter of the fifth of July, have at last roused that Emulation and spirit which every man owes, at this time, to his Majesty, the publick, and himself. The King will not therefore Imagine, that either you or the rest of his Governors will suffer the least neglect or Delay in the Performance of the present service, now strongly recommended to you, particularly with regard to the following Points: viz.

That you should carefully provide a sufficient quantity of Fresh Victuals at the Expense of your Government to be ready for the use of the Troops at their arrival: That you should likewise furnish the officers who may have occasion to go from place to place, with all necessarys for travelling by land, in case there are no means of going by sea, and that you should use your utmost diligence and authority in procuring an exact observance of such orders as shall be issued from time to time, by the Commander-in-chief, for quartering the Troops, impressing Carriages, and providing all necessarys for such Forces as shall arrive, or be raised, within your Government. As the articles above mentioned are of a local and peculiar nature and arising entirely within your Government, It is almost needless for me to acquaint you, That his Majesty will expect the charge thereof be defrayed by his subjects belonging to the same. But with regard to such other articles which are of a more general concern, It is the King's Pleasure that the same should be supplyed by a common Fund, for the Benefit of all the Colonies, collectively, in North America, for which Purpose you will use your utmost Endeavours to induce the Assembly of your Province to raise forthwith, as large a sum as can be afforded, as their contribution to this common Fund, to be employed, proportionally, for the general service of North America, (particularly for paying the charge of levying the Troops to make up the Complements of the Regiments above mentioned) until such time as a Plan of general union of his Majesty's Northern Colonies for their common Defence can be perfected.

You will carefully confer or correspond, as you shall have opportunity upon every thing relative to the present service with the said General, Sir William Pepperell and Governor Shirley or either of them, and as it is the King's Intention to give all proper encouragement to such persons who shall engage to serve upon this occasion, you will acquaint all such persons in the Kings name, That they receive arms and cloathing from hence, and that they shall be sent back (if desired) to their Respective Habitations when the service in America is over. As the several Governours in all the Kings Provinces and Colonys in North America will receive by this conveyance a letter to the same effect with this which I now send you, they will be prepared, at the same time to obey his Majesty's commands, and I am to direct you, to correspond with all or either of them occasionally as you shall find expedient for the general service.

I am, Sir, your most obedient humble servt.

T. Robinson.

A true copy —

Attest. Matthew Livermore

Clerk of ye House of Representatives.

[p. 520.] Tuesday March 11th 1755.

A few of the members met, but not the Speaker nor sufficient to make a house. [Adjourned till]

Wednesday, 12th.

The Secretary bro't into the House in the forenoon a written message from his Excellency:

Governor's Message.

[Copied from MS. Gov'rs. Messages, Vol. II, p. 211.]

Mr. Speaker & Gentlemen of the Assembly:

Having matters of great Importance for his Majesty's service, & the Interest of all his Colonys in North America to lay before you, which it is proper should not be made public at this time, I must desire, that previous to my acquainting you therewith, that the respective members do severally swear, not to divulge or make public either the whole or any part thereof, until the nature & circumstances of the service you are to take under consideration make it necessary.

As soon as I am informed that your Members are sworn, I shall require your attendance in the Council Chamber.

B. Wentworth.

Council Chamber in Portsmouth,
March 11th, 1755.

In consequence of the foregoing message, this afternoon the following members took an oath of secresy relating to the foregoing message, viz.

Meshech Weare, Esq.	Peter Gilman, Esq.
Eleazer Russell, Esq.	Mathew Livermore
Mr. Jonathan Tuck	Thomas Millet, Esq.
Mr. Zebulon Gidding	Mr. Joseph Philbrick
Mr. Thos. Wiggin	Mr. John Knight
Clemt. March, Esq.	John Mcmurphy Esq.

John Page, Esq.

Messrs John Knight, John Mcmurphy and John Page sent with [p. 521] a message to his Excellency to acquaint him that there is a House and that the members present had taken the oath of secresy referr'd unto in his Excellency's message of this day.

The Secretary came into the House and said his Excellency required the attendance of the house at the Council Chambers and his Excellency made a speech, which was delivered to the Speaker.

[Copied from MS. Governor's Messages, Vol. II, p. 213.]

Gentlemen of the Council and of the Assembly—

The dangerous encroachments made by the subjects of the French King in divers parts of his Majesties Dominions in North America by building

Fortifications and doing other unwarrantable Acts, demand the aid of all and each of his Governments and their united force, not only to demolish such Fortifications, as we have just pretentions to, but to erect others in such parts of the Continent as may appear most probable to be useful when a war with France shall happen; more particularly it should be the political view of these Governments that are Exposed both in peace and in war to the depredations of the Indians, to curb and restrain, as much as in them lies, those Forts in the French King's possession, which have served as a place of safe Retreat to the Indians, after they had committed the most insulting outrages on our Frontiers.

To answer these ends amongst others his Excellency William Shirley Esq. in his speech to the General Assembly of his Government of the 13th of February last, recommends the necessity of building a strong Fort near the French Fort at Crown Point; the recommendation was committed, reported upon and accepted by the whole Legislature. The Governor's Speech and the Committee's Report I shall order to be laid before you, That you may be informd what measures that Government has thought expedient, in consequence of the Governor's recommendation, and in support of the common cause.

From the preparations his Majesty has been pleased to make to dislodge the French from their unjust encroachments in Nova Scotia and on the Ohio, it appears to me a most favourable conjuncture to give the French Troops a further diversion by erecting a strong Fort at or near their Fort at Crown Point; and I do in the most earnest manner Recommend it, as essential to the future peace and welfare of all his Majesties Colonies. I shall not therefore doubt but that you will forthwith by a Committee of both houses, take this matter under your consideration, and report what measures this Province ought to take in conjunction with his Majesties other Governments, in this general concern.

Governor Shirley had no sooner imparted to me the resolution taken by his Government for the service herein mentioned, but by the advice of His Majesties Council I put a stop to the exportation of all kinds of provisions and warlike stores from this Port to any of the French Colonies, and have given the necessary orders to the proper officers for a due observance thereof. But to render my orders more effectual, and to prevent the port from being intirely shut up, which may be injurious to our trade, a short act is still wanting on the present occasion.

The government of the Massachusetts have passed an act to enforce the Governor's orders in this particular, and his Honour James DeLancey, Esq. Lieutenant Governor of New York, by the last post transmitted an act passed in that Government for a time therein limited for the same purposes, which shall be laid before you for your guidance in a thing so necessary at this time. Mr. DeLancey also signifies to me that he had given his assent to a Bill for Emitting £45,000 that currency of which £30,000 was granted to fortific New York and the Northern Frontiers of that Province.

That both the Council and Assembly may be informed of what consequence it is to all the Northern Colonies to remove the French from the encroachments they have already made on his Majesties Dominions, and to prevent the like for the future, I shall be ready to communicate all the Intimations and Informations I have rec'd relative thereunto, and I am hopeing that it will be the care of every branch of the Legislature to remove all obstructions and impediments to their great design and necessary service, and that a happy union in the counsels of the respective Governments will prevail.

It being consistant with his Majesties Commands that I should, in conjunction with the Governors of his other Provinces, use my utmost Endeavours to be aiding and assisting in removeing all encroachments made by the French on any part of his Dominions, the intended Enterprise seems

not only calculated to answer his M^e^jesties gracious intentions for those ends, but to be universally beneficial to the whole Continent, and with the other measures his Majesty is taking must establish the future happiness of all his Colonies in America and should it please Almighty God, the wise Disposer and Governor of all Events to smile on this important undertaking and grant a blessing to his Majesties arms and the united councils of his Governments, it must convey such a lasting store of blessings on our posterity, and greater than, at this time, I can express or you can conceive.

Since then we may promise ourselves Benefits universally extensive, if we unite in our Counsels and joint endeavours to remove the Invaders, Enemies that threaten, and have already made great advances towards striping us of our most valuable enjoyments, both civil and religious, & so Plac'd in their stead the most intollerable Yoke of Tyranny and Superstition—It would be unpardonable in this generation to suffer such a train of Evils, which by the blessing of God, appear to be in our power to prevent from descending on those that are to succeed us, without exerting ourselves to the utmost, even to the half of what we now possess.

The Expence will be great, but neither that, or any other consideration, can be put in the ballance against impending Tyranny, the loss of our civil and Religious privileges, seting up Superstition and Idolitry in the room of the pure worship of the one only liveing and true God, nothing can be brought in competition with, or bear the least proportion to, the Evils and Calamities I have enumerated, should the French succeed in their destructive counsels.

Gentlemen—

Therefore let it not hereafter be told in Gath, or ever published in the streets of Askelon, that so many populous Colonies of Protestants should tamely submitt to entail irretrievable misery and bondage on the Generations yet to be born, (a burthen which our fathers could not bear) without makeing our strongest efforts to Repel the threatening danger,—Providence seems to have pointed out the way to effect it, and even the time when this great event shall be brought about; nothing therefore remains to be done on our part, but to make use of the means which I hope to find fully advised to, in the report of your Committee.

Council Chamber in B. Wentworth.
Portsmouth, 12 March 1755.

Mr. Thomas Hale came into the House and took the oath of secresy as sundry of the other members had before done.

The Secretary bro't into the House a copy of Govr Shirley's Speech to the Council and House of Representatives of the Province *of the Province* of the Massachusetts Bay of the 13th of Feby last, also the Copy of the Report of a Committee of the Gen^ll^ Court of the Province of the Massachusetts Bay relating to sundry things therein mentioned, also the Copy of an Act lately passed by the Governm't of New York relating to the prohibiting the carrying Provisions to the French, and said That the Governor had not copys of the afores^d^ Papers, and that when the House had made what use of them they should think proper, he would have them be deliver'd to the Secretary.

[Papers above referred to.]

Governor Shirley's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 219.]

Gentlemen of the Council
and House of Representatives—

Since making my Speech to you at the beginning of this Session, upon considering the happy effects wch thro' the Divine blessing upon his Majesty's arms, we may promise ourselves for this Government, from the Expedition now fitting out for dislodging the French from their Forts upon the Isthmus and St. John's River in Nova Scotia, and driving them out of that Province, it hath occurr'd to me as a very considerable one, that it affords us a most favourable opportunity for building a Fort upon the rocky eminence near Crown Point, within the limits of his Majesty's territories, wch may command the French Fort there, and put it into our Power, in case of a Rupture wth France, to march an army in a few days to the gates of the City of Montreal itself & pour our troops into the heart of their country.

How greatly such an event is to be wish'd for, how much Blood & Treasure it would save to his Majesty's subjects of New England & New York in a time of War, I need not observe, Gentlemen, to *you:* The Depredations committed upon us in the late War by the French and their Indians from Fort St. Frederick, are still fresh in our memories; and Providence seems to point out the present conjuncture as the most proper opportunity for securing ourselves against them for the future.

The Chief force and attention of the French is now employ'd upon the Ohio in extending their Incroachments upon his Majesty's Territories in those parts; and in a short time, upon the first dawn wch the Enterprise for removing the French out of Nova Scotia will give them in Canada, they will naturally draw from thence what force they can spare for the support of their Incroachments upon the Isthmus and St. John's River; and in this divided State of their forces and counsels It is most evident, that the country about Montreal must be very unprepar'd to repel the attempt I am now speaking of; especially if to the surprise wch they must then be in at the appearance of a considerable Body of troops so near one of their two capital cities a faint should be made at the Head of Kennebec or the River Chaudiere, to cause a Diversion of their forces in Canada for the defence of their Metropolis at Quebec.

How greatly the operations I propose, if carried on this year must contribute towards ridding his Majesty's Colonies upon this continent of the French Incroachments wth which they are now hemm'd in from Nova Scotia as far as North Carolina; to the reclaiming of the whole Body of Indians to the English Interest, establishing a Barrier Line of Forts against the French settlements on the north side of the River St. Lawrence, and making ourselves masters of the Principal passes into Canada, for driving the French off this continent whenever it shall be his Majesty's pleasure to order that to be done, I am perswaded, Gentlemen, you so fully conceive, that it is needless for me to dilate upon it.

You well know, how much the success of the Expedition against Louisbourg was owing to its being *well tim'd;* had it been deferr'd to the year following, it seems doubtfull what might have been the event of it.

Let us avail ourselves of the present conjuncture with the same prudence & activity that we did of that against Cape Breton, and we may hope for equal success; and this Province will have the Honour to be the first mover in the operations for restoring the General tranquility of North America, as it had of being in those of 1745, wch contributed so greatly towards the restoration of a general Peace to his Majesty's Dominions.

It will require no small Force, Gentlemen, to execute with success the

Enterprise I propose; and so far as it depends upon me, you may rely upon the Assistance at least of my Regiment to do it.

This is an object, gentlemen, well worthy your closest attention; and I should have been greatly wanting in my vigilance for the security & welfare of his Majesty's good People within this Province, if I had not warn'd you of it: What I propose to you for your consideration may possibly prevent a very expensive war, wch seems very nearly approaching us.

If you will make provision for enabling me to pursue the measures proper for the occasion, you may be assur'd, Gentlemen, that I shall exert my best endeavours to carry them into Execution.

W. SHIRLEY.

Council Chamber, Feby 12, 1755.

Copy—Attest, Pr. Thos. Clarke, Dty Secy.

Report of Committee on the foregoing Message.

[Copied from MS. Corr. Vol. II, p. 169.]

At a great and General Court or Assembly for his Majestys Province of the Massachusetts Bay in New England begun and held at Boston, upon Wednesday the 29th day of May 1754, and continued by adjournments & Prorogation unto Wednesday the 5th day of February following, & then met—

The Committee to whom was referred the consideration of his Excellency's Message of the 13th and 15th Instant having maturely deliberated thereon report as their opinion,

That the attempting to erect a strong Fortress upon the eminence near to the French Fort at Crown Point or upon some other parts of his Majesty's lands not far distant from the said Fort is a measure highly necessary to be forthwith pursued in order to secure his Majesty's Territories from any further encroachments of the French, and to remove such encroachments as have already been made.

That in order to erect such a Fortress, and to repel any force that may be brought to oppose the erecting the same, and to revenge any hostilities or insults that may be offered during the execution of this design, an army of at least five thousand men will be necessary.

That his Excellency the Governour be desird forthwith to make the necessary preparations for such an Expedition, to appoint and commissionate a general officer to command the same, to advise his Majesty's other Governments hereafter mentioned of this design, and in such manner as he shall think most effectual to urge them to join therein, and to raise their respective proportion of men as follows, viz. New Hampshire six hundred men, Connecticut one thousand, Rhode Island four hundred, New York eight hundred, or such larger proportion as each Government shall think proper.

That his Excellency be desired to endeavour that his own Regiment or Sir William Pepperell's or both be employed in this service.

That as soon as it shall appear that the said number of Five Thousand men, including those from this Province, shall be agreed to be raised, his Excellency be desired to cause to be enlisted twelve hundred men and to promise to each of them a good blanket at their enlistment and twenty-six shillings and eight pence pr month wages during the service, and an exemption from all Impresses for three years after the r discharge; and to such of them as shall be provided with sufficient arms, a Dollar over and above their wages, to be paid at the first muster, and full recompence for such arms as shall be inevitably lost or spoiled, and that the pay of the officers shall be the same with that of the officers in the late expedition to Kennebeck.

That his Excellency be desired likewise to make application to the Government of New Jersey to raise an additional number of men in proportion to the circumstances of that Government, to be employed in the service aforesaid, and also to the Government of Pensilvania urging them to contribute a quantity of Provisions to be transported to Albany for the service of the army.

By order, JOHN OSBORNE.

February 18, 1755.

In the House of Representatives February 18, 1755, read & accepted. Sent up for concurrence, T. Hubbard, sp^{kr}:

In Council, February 18, 1755, Read and concurr'd

Thos. Clarke, Dp^{y} Sec^{y}

NOTE.—The Act passed by the Government of New York, prohibiting the carrying Provisions to the French, has not been found.—ED.

Voted That Mr. Speaker, Thomas Millet and Peter Gilman Esqs and Matthew Livermore be a Committee of this House to joyn with such as may be appointed by the Honorable the Council to consider of the speech made by his Excellency this day to the [p. 522.] Honble the Council and Assembly, and make Report thereon as soon as may be what they think necessary and expedient to be done by this Province relative thereto. Sent up by Messrs Gidding & Knight. [Concurred & Committee added.]

Tuesday, March 18th, 1755.

Mem^{o}. H. Sherburn jun. Esq. took the oath of secresy before Meshech Weare Esq. the 14th inst.

Thomas Packer, Esq. Sheriff of the Province bro't into the [House] an information in writing setting forth the Ruinous state of the Province Goal, &c.

The House adjourned till three of the clock

P. M.

Capt. Israel Gilman and Mr. Jonathan Lovewell took the oath of secresy.

Whereas Thomas Packer Esq. Sheriff of the Province of New Hamp^{r} hath this day informed this house that his Maj^{tys} Goal is in such a condition, That unless there be something immediately done by way of Repair, no prisoner can be held & kept there, and also that there have been lately repeated Breaches made upon and Escapes from said Goal, Therefore Voted, That Richard Jennes, Esq., and Mr. Jonathan Lovewell be a Committee of this House to joyn with such as may be appointed by the Honorable the Council to examine into the condition of the s^{d} Goal and to make or cause to be made such Reparations as they shall judge necessary

(for the present time) and that the expense thereof be defrayd out [P. 524.] of that part of the Interest of the Loan of Twenty-five Thousand Pounds appropriated to & for the Prison and that the s^{d} Com^{tee} render an acc^{t} of their proceedings unto the General Assembly.

Sent up with the Sheriff's Information. [Concurred and committee added.]

The copy of the Report of the Committee appointed to consider of his Excellency's speech on ye 12th Inst, as follows to wit:

Province of New Hamp^{r} March 15th, 1755.

The Committee of both Houses appointed ye 12th Instant to consider of and report upon his Excellency's speech made to both houses on ye s^{d} 12th day, viz, What may be tho't necessary or expedient to be done by this Province relative to the affairs therein recommended, Do Report, viz.

That agreeable to the said vote we have had his Excellency's Speech and the sundry other papers therein mentioned and referred to before us, and are fully convinced that the fort built and Garrisoned by the French at or near the place called Crown Point on the southerly end of Lake Champlain, is within the undoubted limits of our Sovereign Lord King George, his dominions, and therefore that the erecting said Fort was at first an Encroachment on his Majesty's Territory's: That it has ever been the place from whence the St. Francis and other Indians in League with the French King's subjects have made their Incursions on his Majesty's subjects of New England as well as New York, killing and Captivating [P. 525.] at every opportunity not only in the time of declared war between the two Nations, the English and French, but in the time of the most profound peace, many instances of which are too recent to be particularly mentioned here:—We are therefore humbly of opinion That the erecting of a strong Fortress in that part of his Majesty's Dominions, and as near to the said French fort as the situation of the land and other concurring circumstances may admit, is of the last Importance to the very being of all his Majesty's Colonys, and as a junction of several of the said Colonys and Provinces hath been proposed as absolutely necessary to effect this important work by carrying this projection into speedy execution, and have the same now under their respective Deliberation, and it being probable that some of the more Southern Governments, the most productive of provisions, will choose to lessen their Quotas of men and augment their Quotas of provision, warlike stores &c. and as the men of this Province by perpetual necessity are more used to arms and enured to fatigue and the climate for action the same with that of their own habitations, overlooking all Rules of Proportion in regard to Quotas in this critical conjuncture and which is never to be drawn into Precedent in any future Expedition or undertaking with any or all his Majesty's said Colonys or Provinces; and therefore do propose, That his Excellency the Governour as soon as it shall appear to him that the other Governm^{ts} concerned have made the necessary Provision of men and provision of warlike stores, he be then desir'd to cause to be enlisted six hundred men [P. 526.] to joyn with those that are or may be raised in his Majesty's other Governments afores^{d}, to be imploy'd in the s^{d} intended Expedition, and that the Expence that shall accrue for wages be born by this Province for six months unless the Expedition be over sooner; That they be also subsisted at the charge of this Province with provisions till they shall arrive at the place of Genl Rendezvous and no longer, supposing Provisions and warlike Stores will be there in Season provided for them; and as an Encouragement to such volunteers as shall Inlist in this Expe-

dition, that his Excellency be desired to engage that each man shall have a good Blankett to be delivered at the time of their setting forward on the said Expedition: That they shall also receive fifteen shillings new Ten^r for providing themselves with arms and if such arms are inevitably lost or spoiled to be paid the value thereof: That they shall be freed from all military Impresses for three years after the Expedition shall be over, and that their Wages be three pounds fifteen shillings N. Ten^r pr month from their first muster till the time of their discharge.

By order, Theodore Atkinson.

Upon reading the foregoing Report, Voted that it be accepted with this alteration namely, That instead of six hundred men being raised at the Expence and charge of this Government, the number do not exceed four hundred, and also that a way be found out for raising money to defrey the charge.

Sent up by Esq. Page.

[p. 527.] The House adjournd till tomorrow nine of the clock by order of the Speak^r.

Wednesday, March 19th 1755.

Met according to adjournm^t. Robt Hale Esq sent a memorial into the house signifying his desire of coming into the house and being heard on the vote of this House upon the Report of the Committee appointed to consider of and make Report upon his Excellency's speech of the 12th Inst, which memorial being read, Robt Hale Esq the memorialist was admitted into the House and heard — whereupon J. Memurphy Esq. was sent up to the Council to inform them that ye house desir'd to withdraw the afores^d Report and vote thereon. [Granted.]

The Sec^y bro't into the House the said Report and vote thereon.

The house adjourn'd till three of the clock

P. M.

Voted That the House will reconsider their vote upon the Report of the Com^tee appointed to consider of and Report upon his Excellency's Speech of the 12th Inst. and put off till tomorrow morning for the Reconsideration thereof.

The house adjourned till to morrow morning nine of the clock by order of the Speaker.

Thursday, March 20th 1755.

Upon reconsidering the vote of this House of the 18th Inst. upon the Report of the Committee appointed to consider of and Report upon his Excellency's speech of the 12th Inst. Voted, That the [p. 528.] said Report be accepted with the following alterations

namely: — That instead of six hundred men being raised at the expense and charge of this Governm^t — do not exceed *five hundred* including officers. That the exemption from military Impresses after the said Expedition shall be over shall not exceed one year, That each one who shall engage in the said Expedition shall have one months advance wages, provided a way can be found out to raise money to defrey the charge. [Concurred by Council and assented to by the Governor.]

Mr. Zebulon Gidding desir'd his dissent might be enter'd against the vote afores^d which was done.

The house adjourn'd till three of the clock

P. M.

Mr. Joseph Thomas took the oath of secresy.

The House adjournd till tomorrow morning nine o'clock by order of the Speak^r.

Fryday March 21st 1755.

Met according to adjournm^t. [and adjourned from time to time,] till

[p. 529.] Tuesday, March 25th, 1755.

Post Meridiem. Capt. John Wentworth and Capt. Benjamin Stevens took the oath of secresy.

Voted That there be a new Goal built in the Town of Portsmouth in this Province of New Hamp^r as soon as conveniently may be of such materials and Dimensions as shall hereafter be agreed upon by the General Assembly, and that Eleaz^r Russell [p. 530.] Esq. be a Committee of this house to joyn with such as may be appointed by the Honble the Council to look out a suitable piece of ground to build a goal upon and make enquiry what the same may be purchased for and make Report thereof unto the General Assembly as soon as may be. Sent up by Mr. Knight. [Concurred.]

The house adjourned till tomorrow morning nine of the clock by order of the Speaker. (a)

(a) An additional Bill for prohibiting Trade with the Indians, passed and assented to by the Governor. Journ. C. p. 148.

Letter from Gov. Shirley to Gov. Wentworth.

[Copied from Prov. Rec. B. I, p. 287.]

(Extract) Boston, March 27th, 1755.

Sir —

"I am sorry I am oblig'd to trouble your Exc^y at this busy time, with the inclos'd Memorial: What adds greatly to the irregularity of the thing complained of in it is, that the men in question were inlisted into his Majes-

ty's service, the expence of wch the Crown defrays, and the success of wch is of the last consequence to his Majtys Territories, wch are the Barrier of his Eastern Colonies upon this Continent: Your Excy's Governmt is as much interested in the preservation of them as that of the Massachusetts Bay, wch province will have in all probability 1700 of its men employ'd in it; and you will be pleas'd to consider that I have rais'd the 2000 men in consequence of strong and repeated orders of his Majty to me to concert measures with Lt. Govr Lawrence for attacking the French forts in Nova Scotia. At this rate the Colony of Connecticut may take out of this service all the men raised there for it, and what the consequence of such proceedings may be, is uncertain.

"The men wch are thus taken from Major Fry are actually inlisted into his Majty's service and in his own pay for a particular service; and your Excy is sensible that it is expressly forbid by the Meeting Act, that the officers even of one of the King's own Regiments should receive soldiers that inlisted in another of his Regimts.

"I can make no doubt but that your Excy will order the men to repair to Boston as soon as may be, and secure the man who inlisted them and has carry'd them out of the King's service into wch they were inlisted in an exemplary manner."

I am with great regard, sir,
your Excys most humble & most obedient servt.
W. SHIRLEY.

His Excy Govr Wentworth.

Memorial.

[Copied from Prov. Rec. B. I, p. 288.]

To his Excellency Governor Shirley.

The Memorial of Joseph Frye humbly sheweth —

That he employed one Robert Rogers of Merrimack in the Government of New Hampshire (who inform'd him he could inlist twenty men or more for the present service immediately,) to inlist them for him, who went and enlisted twenty four men accordingly, and gave them two dollars each, 30 of which was deliver'd him by your said memorialist for that Purpose. Since which he is credibly inform'd said Rogers was then under Bonds to appear at the next Superiour Court in that Government, at the Tryal of some persons for counterfeiting their Bills of Credit, and that he is strongly suspected of being concern'd in the affair, of which your memorialist was intirely ignorant when he employ'd him. And that he ye said Rogers being then Intangled and faulted for inlisting men in that Government to go out of this, he is so intimidated that he is gon to Portsmouth with a design to secure the men he had inlisted as aforesaid to serve his Majesty as soldiers of that Government; thereby to ingratiate himself to be admitted as an evidence for the King, in order to clear himself of further trouble: By which your memorialist is greatly disappointed of completing his Company, and is likely to sustain the loss of money also. Wherefore your memorialist humbly prays your Excellency's Interposition in the case, and as in duty bound will ever Pray.

Joseph Frye.

Tuesday, P. M. April 1st, 1755.

Matthew Livermore Esq. being absent, Voted, That Henry Sherburn jun. be clerk of the house pro Tempore.

[P. 531.] Mr. Secretary brought down a message from his Exc^{y} the Govr as on file, with a letter from Govr Shirley & a Report of a Com^{tee} of both Houses of the Province of the Massachusetts Bay, on Govr Shirley's Speech of ye 25th March.

The house adjourned till tomorrow morning nine clock.

Governor's Message.

[Copied from MS. Gov^{rs} Messages Vol. II. p. 233.]

Mr. Speaker & Gen^{t} of the Assembly —

On Sunday evening I received from his Excellency Governor Shirley, a further report of a Com^{tee} of both Houses of the Province of the Massachusetts Bay, on the intended Expedition, & as the Report contains something new, & of course unprovided for by this Government, I have laid the said report before his Majesty's Council, with Mr. Shirley's letter to me on the subject, for their consideration, and have allso thought it necessary to lay the said report & the Governor's letter before your House, that you may be fully informed of all measures taken by the other Governments concerned in this Expedition, that you may conform thereunto as near as our Situation and circumstances will admit; that no Impediment may arise to the Expedition on the part of this Province but on the contrary, I would persuade myself that it will be your endeavour, as it shall be mine, to remove every obstacle to this great & beneficial undertaking.

B. Wentworth.

Council Chamber in
Portsmouth April 1st 1755.

Letter from Gov. Shirley.

[Copied from MS. Corr. Vol. II. p. 183.]

Sir:

I herewith inclose you a copy of the Report of a Committee of the Genl Assembly of this Province accepted by the whole Court relating to the immediate Prosecution of the intended Expedition for securing these Colonies against the Encroachments of the French, with a Proclamation which I have already issued for raising soldiers within this Province for that service, as also a Form of a Commission to be given by the several Governors to their respective officers, for your Excellency's consideration; It seeming proper that the Commissions should be issued in one Form. Your Excellency will be pleased to observe that our Assembly have engaged to Col. Johnson to pay their proportion of the charge of the Indians of the Six Nations that may be retained in the service, which is done in confidence that the other Governments will join with us. Therefore it is necessary that Col. Johnson should be seasonably apprised of the Resolution of the other Governments as to this article, that so he may act with safety as to his Agreement with those Indians, for this Reason I have written already to Coll. Johnson & hope your Excellency will do the like: There must be some Proportion of Cannon & warlike stores for the use thereof provided by every Government which your Excellency will be pleased likewise to take care of in your Government.

I am with very great regard
Sir, your Exc^{ys} most humble
and most obedient servant

W. Shirley.

His Excellency Benning Wentworth, Esq.
(A copy.)

Report of Committee &c.

[Copied from MS. Corr. Vol. II. p. 181.]

The Report of a Committee of both Houses appointed to take under consideration his Excellency's speech from the Chair on the 25th Instant.

The Committee are humbly of opinion that his Excellency be directed to issue his Proclamation to Encourage the enlisting the Forces proposed to be raised on the part of this Province for the western Expedition, and as nothing has a more probable tendency to promote the design of said Expedition than the engageing a great Number of the Indians of the Six Nations therein, the Comtee are farther of opinion that his Excellency be desired to write to Coll. William Johnson by Express and to urge him to use his utmost Endeavor to secure and prepare for that service [as many] as may be, and to assure him that the necessary charge that may arise therein shall be born and paid by this Province in the same proportion to the rest of the Governments concerned, as the other charges arising from this Expedition shall be determined to be paid.

And inasmuch as it does not yet appear in what manner the Government of New York will make Provision for the service of this Expedition, the Comtee are of opinion that it will be most convenient to defer the procuring of Battoes untill his Excellency's arrival in that Province, and in case it shall not appear that sufficient Provision has been made by the Government there for this part of the service, that his Excellency be desired in such case there to engage in behalf of this Province for its Proportion of said Battoes as he shall judge reasonable & necessary, and to cause the same to be provided accordingly.

The Comtee apprehending it to be of Importance that the matters foregoing should be forthwith acted upon, thought it proper to make this partial Report and to desire leave to sit again and to consider and report on the other matters contained in his Excellency's speech.

All which is humbly submitted.

By order of the Committee,

J. Osborne.

In the House of Representatives, March 26, 1755. Read and accepted, and thereupon ordered that a copy of this Report be transmitted to the Governments of Connecticut, New Hampshire and Rhode Island.

Sent up for concurrence

T. Hubbard, Spkr.

In Council, March 26, 1755. Read & concurred.

Thos Clarke, Dpty Secy.

Consented to, W. Shirley.

(Copy.)

In the House of Representatives, March 26, 1755.

Voted That Mr. Speaker, Mr. Welles, Coll. Brattle, Mr. James Bodoin, Capt. Williams & Mr. James Russell, with such as the Honble Board shall join, be a Committee on the part of this Government to Provide for the intended Expedition to the Westward a sufficient quantity of Provisions & warlike stores & other things necessary, and that the Committee in procuring ye same give the Preference to the Inhabitants and the produce of this Province.

Sent up for concurrence.

T. Hubbard, Spr.

In Council, March 26th 1755. Read & concurr'd & John Osborn, Jacob

Wendell, Ezekiel Cheever, John Wheelwright, Thomas Hutchinson & Samuel Watts Esqr are joined in this affair.

J. Willard, Secretary.

Consented to W. Shirley.

Copy Examined, pr. Thos. Clarke, Dep^{y} Sec.

A true copy Examin'd pr Matthew Livermore, clerk of the house of Representatives.

Wednesday, April ye 2^{d} 1755.

The House taking under consideration his Exc^{ys} Message of yesterday with the papers therein referred to,

Resolved, That the five hundred men argeed to be raised in pursuance of the Report of the Com^{tee} of both Houses will be more than the full proportion of this Government without finding any provisions, warlike stores &c. & that if the provisions and warlike stores are not provided by the other Governments according to the Intention of s^{d} Report and the assurances of the agent from the Province of the Mass. Bay, then Resolved, That two hundred men to be provided with Provisions, warlike stores &c, will be the full proportion of this Province & that his Exc^{y} the Govr be desired not to encourage the Inlisting any more than the s^{d} two hundred men till it be fully known whether the other Governments will provide necessary provisions & warlike stores according to the true intent of the Report of the Com^{tee} of both houses; Also further Resolved, That if no more than two hundred men be raised in this Province for the intended Expedition, that then this Government pay a proper and just proportion (with the other Governments engaged in the affair) to the charges of engaging the Six Nations of Indians in ye s^{d} Expedition. Sent up by Mr. Thomas.

Govr Shirley's Letter & the Report of the Mass^{a}. Com^{tee} sent up by Mr. Hale.(a) Adjourned.

(a) The Council non-concurred this Resolve, and resolved, That the report of the Committee of both Houses as accepted the 20th of March last be Pursued, and sent the same down to the House with the Council's reasons therefor. Jour. C. p. 149.

[p. 532.] Thursday, April ye 3^{d}, 1755, A. M.

The Secretary brought down the vote of the house wch was sent up yesterday with ye following entry upon it:

In Council, Eod^{m} die,

Read and non curred & Resolved that the Report of the Com^{tee} of both Houses as mentioned above & accepted by both Houses be pursued.

Theodore Atkinson Sec^{y}.

An Act for granting unto his most Excellent Maj^{ty} the sum of Thirty Thousand pounds for and towards the building a Fort near Crown Point, having been read three times, Voted, That it pass to be enacted. Adjourned till three o'clock P. M.

Message from the Governor.

[Copied from MS. Gov^{rs} Messages, Vol. II, p. 235.]

Gentlemen of the Council & of the Assembly.

The act for Emitting £30,000 for the Intended Expedition to Crown Point now lies before his Majesty's Council. I have heard it read the first time, & it will be further considered by the Council this afternoon; but as the passing of that act depends on my being certain whether I shall be able to carry the Expedition in every emergency that may arise in the course of it, into execution, it being at so great a distance, I am desireous that you pass all your resolves, as to pay of officers, non commission officers & private soldiers, with whatever you intend & design, shall appertain to this service, that I may judge of the whole together, previous to my passing the money bill, & which I think ought to have come to the board with the bill.

B. Wentworth.

Council Chamber in
Portsm^{o}. April 3, 1755.

P. M.

Capt. Israel Gilman desiring that his Dissent may be entered against the act passed the forenoon granting to his Maj^{ty} £30,000, it is accordingly entered.

Fryday April 4th 1755.

Whereas an act passed in this house yesterday and was sent up to the Honble Council for their concurrence for emitting £30,000,

Voted, That if the s^{d} Act pass the Honble Council & be assented to by his Exc^{y} the Governour, that then the officers & soldiers that shall be appointed or enlisted agreeable to said act to command in & proceed on the intended Expedition for building a Fort at Crown Point, have the same allowance made them for wages per month as are allowed by the government of the Massachusetts Bay on s^{d} Expedition, to be paid in the Bills by s^{d} Act to be emitted accounting fifteen shillings in s^{d} Bills equal to *ten*(1) shillings lawful money of the Mass. Bay, to be paid when the muster Rolls are made up & allowed by the Genl. Assembly: That each non commiss. officer & private soldier shall receive one months pay on the first muster; That the wages and subsistance of non commiss. officers & soldiers shall commence on their arrival at the place of Rendezvous in this Province; That each able bodied effective [p. 534.] man who shall enlist shall have a good Blanket given

(1) This word is doubtful. It may be Se'n; i. e. seven.—Ed.

him or the value thereof in s^d^ Bills; That such person as shall be provided with sufficient arms shall be allowed three pounds in s^d^ Bills over & above his wages to be paid him at his enlisting & in case he appear on muster without sufficient fire arms the sum to be deducted out of his wages; That the Revd David McGregory of London Derry be the Chaplain; That Mr. Jonathan Lovell be commissary; Doct. Nath. Sargeant jun. & Doct. Ammi Ruhamah Cutter be surgeons to attend on ye forces to be raised in this governm^t^ for s^d^ Expedition & if all or either of these Gent. should refuse the office that the Com^tee^ of war provide a suitable person or persons in their stead. Sent up by Mr. Lovell.

The house adjourned to three clock

P. M.

Voted, That the Com^tee^ appointed by the Act for emitting thirty thousand pounds to provide necessary stores for carrying on the Exped: intended by s^d^ act, be and they are hereby fully impower'd to provide all things necessary for promoting & carrying s^d^ Expe^d^. consistant with s^d^ act & to do & transact every affair proper for a Com^tee^ to act in Relation to s^d^ Expe^d^. & that when s^d^ Bills to be emitted by s^d^ act are in the Treasury such sums thereof be paid to s^d^ Com^tee^ by his Exc^y^ the Gov^rs^ warr^t^ as may be sufficient to answer the end afores^d^, & that such necessary stores &c. when provided be delivered out by s^d^ Com^tee^ agreeable to his Exc^ys^ the Gov^rs^ orders & directions, & that s^d^ Com^tee^ render acct. to the Genl. Assembly. Sent up by Mr. Knight.

The house adjourned till tomorrow morning nine clock.

Message from the Governor.

[Copied from MS. Gov^rs^. Messages, Vol. II, p. 238.]

Gentlemen of the Council & Assembly.

Observing on the first reading of an Act sent up to the board, dated April 3^d^, for Emitting £30,000 for the service of an Expedition to Crown Point, that many things not relative to the Emission of said sum were crowded into the Act, which in the declarative & granting clause of the act were not mentioned, which being contrary to my Instructions, & other things in said Act contrary to the Powers & Authoritys vested in me by the King's commission; in like manner the said act contains sundry clauses in direct opposition to directions I have received from the Right Honble the Lords Commissioners for Trade & Plantations, being founded on observations their Lordships made on the Acts I transmitted for Emitting money for the Louisburg & Canada Expeditions: I have therefore thought it for his Majesty's service, to lay before you both the Paragraphs of his Majesty's Commission & the observations from their Lordships letter on the before recited acts, for your further consideration, presuming it may lead you into measures consonant thereunto, hoping at the same time, that both houses will unite in measures to put the Intended Expedition on such a footing, that I may conduct it with honor to myself

& safety to his Majesty's subjects that may engage in it, which I am hopeing is the real intention of every branch of the Legislature. To this end I shall advise that when the men are raised, such minister and surgeons as they shall invite & approve be commissionated & appointed, and no other, and that if you think upon what I have laid before you, that it is your Province to appoint Com^tees &c. that they may be directed in the Act to conform to my orders in providing such necessarys as the Expedition may demand.

Council Chamber in Portsmouth, April 4th 1755. B. WENTWORTH.

Extracts from his Majesty's Commission.

[Copied from MS. Gov^rs Messages, Vol. II. p. 237.]

"And we do hereby authorize & Empower you to constitute & appoint Judges, & in cases requisite Commisioners of Oyer & Terminer, Justices of the Peace, and all other necessary officers & ministers in our said Province for the better administration of Justice & putting the Laws in execution."

"And we do hereby Require & command all officers & Ministers, civil & Military & all other Inhabitants of our said Province, to be obedient, aiding & assisting, unto you the said Benning Wentworth, in the Execution of this our commission, and of the powers & authoritys herein contained.',

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Paragraphs contained in a letter from the Right Honble the Lords Commissioners for Trade & Plantations, to me, June 3^d, 1752.

[Copied from MS. Gov^rs Messages, Vol. II. p. 237.]

"As the Instructions are calculated in general for the support of his Majestys Prerogative, and the Protection of his subjects in their just Rights, for the Establishing & preserving good government in his Colonys, and promoting the welfare & prosperity of them, a due & uniform observance of these Instructions, must greatly contribute to those desirable ends: We therefore think it our duty to recommend it to you, strictly to adhere to your Instructions & not to deviate from them in any point."

"The passing Laws inconsistant with his Majesty's Instructions, is manifestly of great Injury to the public service, and the occasion of many difficulties, Inasmuch as those Laws, though they contain the most salutary provisions, cannot receive the royal approbation, but by his Majesty's dispensing with his Instructions.

"We must therefore in a particular manner insist that in the passing of all Laws you have a proper regard to the regulations contained in your Instructions.

"The Assemblys takeing upon them to appoint Committees in their several Acts for the disposal of the money thereby to be raised and the conducting the services to which it is applicable, is certainly a great Encroachment upon his Majesties Prerogative."

[p. 535.] Saturday, Apr. 5th 1755, A. M.

Met according to adjournmt.

May it please your Excellency.

The House having considered of your Excy's Message of yesterday signifying that the clauses in the Act for emitting £30,000, relating to the appointment of committees, surgeons and chaplain are contrary to the Powers & authoritys vested in your Excellency by the King's commission, and to your Instructions, &c. The House are humbly of opinion, That the officers and ministers mentioned in the Paragraph extracted from your Excellency's commission are only such as are for the better administration of Justice & putting the Laws in Execution; which we think is clear from the words, and that the recited Paragraph has no relation to any such as are mentioned in the Act, and it appears to us much more likely to be satisfactory in General & of more service to the Expedition, than if they were to be chosen by the men that are to be raised as your Excellency proposes, and We also apprehend that as the Committee of War are to procure all necessarys for said Expedition and deliver them to your Excellency's order, that this will enable you to conduct the same with Honour to your Excellency & safety to his Majesty's subjects that shall engage in it, which we assure your Excellency is the sincere desire of [p. 536.] this House, and which we have aimed at in all our proceedings, and do not apprehend that anything in the Act is inconsistent therewith.

Voted That the foregoing be sent unto his Excellency as the answer of the House unto his Excellency's message of yesterday.

Sent up by Mr. Wiggin.

Voted, That the Pay and allowance for the Committee to get thirty Thousand Pounds in Biils of Credit imprinted and struck off, for carrying on an Expedition in order for the building a Fort near Crown Point shall be eleven shillings of the same money pr day each, for every day they shall attend upon the said Business, besides an allowance for the expences they shall be at in their going to, tarrying at and returning from Boston upon the said Business.

And that the pay and allowance for the Committee for Numbering & signing said Bills shall be for each signer three farthings of the said Bills for numbering & signing each sheet off of the large plate, no more than three of the Committee to sign each Bill; and one Penny of the like Bills for each signer numbering & signing each sheet off of the small plate, no more than three of the Committee to sign each Bill; That the Pay and allowance for the Committee of War shall be eleven shillings of the like Bills pr day each for each day they shall be employed in and about [p. 537.] the Business to which they are appointed, they keeping an account of each day they shall be so employed. Sent up ye 11th by Mr. Thomas.

The House adjourned till Monday next three of the clock in the afternoon by order of the Speakr.

Monday April 7th 1755.

A few of the members met but not sufficient to make a house nor the Speakr and adjourn'd till 3 o'clock.

Tuesday 8th P. M.

Whereas there is a considerable sum of the twenty-five thousand Pounds loan still in the hands of the Trustees which ought to be burnt, and whereas it is supposed there have lately been many of the Bills of Credit of this Province counterfeited, Therefore Voted, That Eleazer Russell, Peter Gilman and Clement March Esqs and Mathew Livermore be added on the part of this House to the Comtee appointed by the House on the tenth day of April 1754, to joyn with such as may be appointed by the Honble the Council to tell over the Principall of the Loan now in the hands of the Trustees and to receive the same and bring it into the Genl Assembly to be burnt.

Sent up by Mr. Wiggin.

[p. 538.] The Secretary bro't into the House a message from his Excellency [as follows.]

[Copied from MS. Govrs Messages, Vol. II, p. 249.]

Mr. Speaker & Gentn of the Assembly —

It being a most essential branch of the Intended Expedition to Crown Point, to secure the interest of the Six Nations at all events, which cannot be effected, but by the hands of Collo Johnson, who has an Influence over them beyond any other person, & without their assistance the Expedition will be carried on under the greatest disadvantages, I hope, therefore you will consider of your Quota, & make the necessary grant for that part of the service, together with every other vote or grant that relates to the Expedition, that I may consider of the whole together, for according to the present appearance of things, it appears to me that you have laid me under unsurmountable difficultys B. Wentworth.

Council Chamber
in Portsmouth, April 8, 1755.

Answer of the House to the Govrs Message.

May it please your Excellency—

In answer to your Excellencys message of this day, The House begs leave to say, That they have from time to time taken under consideration the affair of our Expedition to Crown Point, in conjunction with sundry of his Majesty's other Governments, since the same was proposed to and laid before us, and are of opinion that what we have already agreed to, by the Report made relative thereto by a Committee of both Houses, concurr'd with by the Honble the Council and assented unto by your Excellency, and agreeable to which Report an Act has passed this house and sent up to the Council last week, is as much as can possibly be expected from this government; and we cannot see our way clear to come into any measures different therefrom unless a new plan of operation be come into.

Voted, that the foregoing be sent unto his Excellency as an answer to his message of this day.

The Govr not being in town, sent to the Secretary by Mr. Knight.

Voted, That Mr. Speak^r Henry Sherburne, jun. Esq. Messrs Thomas Wiggen, and Jonathan Lovewell be a Committee of this House to joyn with such as may be appointed by the Honble the Council to make enquiry what is necessary to be done to repair [p. 539.] the Fort William and Mary, the carriages of the guns and what else may be tho't needfull to put the said Fort into such ord^r as to make a defense in case of an attack and that they make Report to the Genl Asser[illegible] as soon as may be. Sent up 9th by Mr. Lovewell. [Concurred.]

The house adjourn'd till tomorrow morning nine of the clock by order of the speak^r.

April 9th, 1755.

Met according to adjournm^t. The Secretary bro't into the house the act for granting the sum of thirty thousand Pounds towards building a Fort near Crown Point, and said the title of the Act was not full eno' and proposed an alteration therein: Also that the words in the first page (which seems to be at hand) would be better left out; also that there be added in the last page, in ye Committees power, after the words (in s^d affair into execution), *these words*, viz, Proper for a committee to do.

The Act bro't into the House by the Secretary amended in two places, and sent back to ye Council by Messrs. Stevens and Lovewell. [Concurred.]

The Secretary bro't into the house sundry papers relating to the Expedition to Crown Point which was read and sent back by Mr. Gidding.

[The following appear to be the Papers referred to. Copied from MS. Corr., Vol. II. pp. 189–196.—Ed.]

Boston, April ye 7, 1755.

Sir

We have time to Inclose your Excellency what the Government of New York has done towards the Expedition westward,—also copy of what we have wrote to that government in answer thereto,—also Copy of schedule received from them which may be something for your Government as well as ours.

We have advice that the Government of Philadelphia has voted Ten Thousand Pounds their currency in Provisions for the New England Troops going to Crown Point; but its something doubted whether the Governour will come into the bill for that purpose, but its not doubted half that sum at least will be granted; yet as Governour Shirley will pass

through that Province its to be hoped he will help that affair through. We are with great respect, sir

Your Excellency's most obt humble servs
In the name of the Committee
J. Osborne.

P. S. We would further inform your Excellency that the Massachusetts Bay have voted an addition of three hundred men to the twelve hundred first proposed.

His Excellency Governor Wentworth.

Assembly Chamber City of New York the 27th of March, 1755.

Mr. Nicoll from the Comtee appointed to meet and conferr with a Comtee of the Council on the subject matter of his honour the Lieut. Governor's message of the Twenty sixth Instant & the papers from his Excellency Gov. Shirley referr'd to the said message, & also to confer thereupon with Thos. Pownal, Esq. Commissioner on the part of the Government of the Massachute Bay, Reported That the joint Comtee had mett & confer'd together & with the said Thos. Pownall, Esq. upon the subject of the matters referred to them, & the joint Committee had come to the following resolutions, viz.

First, That the scheme proposed by Govr Shirley for the defence of the British Colonys in North America is well concerted.

Secondly, That his colony join therein if the General appointed by his Majesty to command the forces in North America approves of the said scheme.

Thirdly That this Colony Raise & subsist Eight hundred men if the Colony of the Massachusetts Bay raise & subsist fourteen hundred men according to the proportion settled by the Commissioners as reasonable at the Congress at Albany in June last.

Fourthly, That if a sufficient number of forces be sent up Kennebeck River to make a diversion there by the Colony of the Massachusetts Bay, the joint Comtee are of the opinion it may be an Equivalent to two hundred men in which that Colony is by the Comtee thought deficient in only proposing twelve hundred men to be raised at their Expence in the intended enterprise,—which Report he read in his place & afterwards delivered in at the table where the same was again Read.

Resolved, nemine contradicente, That the house do agree with the Comtee in the said Resolutions.

Ordered That Mr. Nicoll & Mr. Thomas, wait on his honor the Lieut Govr with the said Report & Resolution.

A true copy taken from the votes & proceedings of the Genl. Assem. for the Colony of New York.

Examd & compared by Abraham Loff jun. clk Assem.

A true copy Examd pr. Matthew Livermore, Clerk of the house of Representatives.

Boston, 7 April 1755.

Sir,

We are glad to hear that your negotiations at New York have succeeded: for altho' the govs of N. England must agreeable to the several acts & resolves have gone on with the Expedn even without any assistance from the southern Govts, yet we think it a very happy circumstance that there is so good a prospect of their joyning with us.

We are raising 1500 men on the part of the Province, wch we expect will be ready to march by the time that his Excy may return, whether he will think proper to employ the whole to the westward, or to send 2 or 300 as a Diversion to the Eastwd we cannot say.

The Schedule of Stores necessary for the service wch you sent to Mr.

Hutchinson the last Post, he has communicated to us. There are no artikles that it will not be needful to provide. The Battoes we think much more numerous than what there will be occasion for: But this is a point that Govr Shirley will settle. The Powder we think short, and we propose to send our Quota of 300 Barrels of Cannon Powder and to furnish Each of our soldiers with two pounds of Pistol powder besides. There are no mortars nor shells put into the Schedule. If there be none left at Albany that were provided formerly, it will be necessary we sh^d know it by the return of the Post, as it will take time to have the shells cast, and we must know the size of the mortars. The shott if they can be procured under or at *s*20 at New York, we desire our proportion may be provided there. Every other artikle we will procure our Quota of, and we will Employ some person at Albany to procure our part of the waggons and to Defray the other charges of the Transportation.

We hope that Govr Shirley upon his return will settle with Lt. Gov. Delancey every thing necessary concerning the Artillery. Please to advise us what sized guns now ly at Albany, that in case the shott cannot be had at N. York on the terms above we may provide here.

We shall send a copy of the Schedule to the other gover^ts and desire them to provide their Quota, and as the Comm^tee have but just met, and have not time before the Post goes fully to consider what other artikles are necessary, we propose before next post to prepare as compleat a schedule as we can and to transmit it to you. I am, in the name of the Comm^tee

Sir, your Humble servant

JOHN OSBORNE.

P. S.

If there be any articles as axes, shovels &c. which are cheaper here than at N. York, we will provide the whole if we are desired, as it is uncertain whether Mr. Pownall be at N. York we take the liberty to direct this Letter to his Hon^r the Lieut. Govr in case of Mr. Pownalls absence, which we pray his Honour to excuse.

A true copy Exam^d pr
Matthew Livermore, Clerk
of the House of Representatives.

Massachusetts Grant of Allowance for Crown Point Expedition, March 29, *and* 31, 1755.

[Copied from Prov. Rec. B. I., p. 293.]

A Blanket to each man at Inlisting.

Twenty-four shillings to each man that provides himself with good arms, to be paid on the first muster, & £12 for arms & bounty.

Each non-Commission officer & soldier shall have one months advance pay on the first muster.

The wages of non-Commission officers & soldiers shall commence on their arrival at the place of Rendezvous in this Province.

That proper additional allowance to officers & soldiers for travel to the place of General or particular Rendezvous, shall be made.

2 Gunsmiths,
4 Carpenters
1 C. powder requires 3 C. lead & bullets
10 —? flints.
hooks & lines
Frying pans.

[The above paper seems to be incomplete.—ED.]

Fryday, April 11th, 1755.

[p. 542.] The Secretary came into the House and said the act for granting the sum of thirty thousand pounds was pass'd by the Council and assented unto by the Governor. Also he said that there would be a necessity of some money to begin with, in order to carry the intended expedition in execution.

Whereas there is a necessity of a present sum of money in order to the carrying on the intended Expedition to Crown Point, before the Bills of credit on this Province can be put into the Treasury that are to be struck off in consequence of the act for granting unto his most excellent Majesty the sum of thirty thousand Pounds: Therefore Voted That there be borrowed out of the treasury such a sum of the Bills of Credit on this Province as [p. 543.] shall be necessary to set the said affair on foot to be used & improved for the purpose afores^d, agreeable to such act or acts, vote or votes that already are or hereafter shall be pass'd by the Genl. Assembly relative to the said Expedition, and for the replacing the same in the Treasury further Voted, That the like sum of the Bills to be emitted by the act for granting the sum of thirty thousand Pounds shall be put into the Treasury as shall be borrowed for the purpose aforesaid. Sent up by Mr. Thomas.

Whereas the Committee appointed to get the sum of thirty thousand Pounds impressed may have occasion to procure an Ingraven, purchase paper and sundry other things in the Massachusetts Governm^t. where the Bills to be emitted will not answer to pay for the same, Therefore

[p. 544.] Voted that the Committee who have been *Improved* for drawing Bills on John Thomlinson Esq. agent for this Province at the Court of Great Britain, be and hereby are Impowered to draw upon him for the sum of twenty pounds sterling to be pay'd out of the Interest of the money in his hands belonging unto this Governm^t, in favor of the s^d Committee appointed to get the s^d Bills impress'd, to be improved towards getting the s^d Bills impress'd, the s^d Committee to be accountable to the Genl Assembly for the same, and that when the s^d Bills shall be put into the treasury, the sum of sixty five pounds thereof shall be improved for the exchanging the like sum of the Bills of Credit emitted by this Governm^t for carrying on the intended expedition against Canada, which shall be burnt to ashes in the face of the Genl Assembly in order to sink so much of the said Canada Bills. Sent up by Mr. Gidding.

The Secretary and Danl Warner Esq., came with a verball message from his Excellency and said y^t there were many applications to him from the frontiers for help, and that there might be danger from the enemy after the snow is off of the ground. and that it might be of service if the forces to be raised in the province after they shall muster should be improved for the defence of the frontiers until they shall proceed on the Expedition.

[p. 545.] Voted that when the soldiers to be enlisted by virtue of the act for granting unto his most excellent Majesty the sum of thirty thousand Pounds to promote the intended Expedition to Crown Point are enlisted, agreeable to the said Act his Excellency be desired to order them to be quarter'd till the time of their marching where they will be in the best readiness to proceed and in such places and manner as may best tend to protect the Frontiers and save charge to the Government, and that if they be billeted or find themselves that they be allow'd one shilling and three pence per day. Sent up by Mr. Lovewell. [Concurred.]

The House adjourned till to-morrow morning nine o'clock by order of the Speaker.

Saturday April 12th 1755.

The Secretary bro't into the house from his Excellency two letters, one from Lieut. Gov. Phips and one from Secy Willard which were read and return'd.

Letter from Lieut. Gov. Phipps.

[Copied from MS. Govrs Messages, Vol. II, p. 253.]

Cambridge, 10 April, 1755.

Sir—

I am to acknowledge the Receipt of your Excellency's letter of the 6th inst. The General Court not being sitting I tho't it proper to advise with a Committee of war, consisting of several of the principal members of both Houses. I am first to acquaint your Excellency that the grounds of the surprise in the members of your Assembly are now removed by the concurrence of New York with the other Governmts in the Expedition. I am likewise to inform your Excellency that the Genl Court of this Province have added 300 men more to the 1200 first proposed and that by advices from Pensilvania, it is rendered extremely probable that a grant of 10 or at least £5000 that currency will be there made for the service of the army and that no one of the Governmts concern'd seem inclin'd to go back from their first proposals or to lessen their share in the Expedition, but they are rather inclined to increase it, New Hampshire only excepted. I am likewise to acquaint your Excellency that untill the Determination of the Governmts of New England was known, it was not tho't proper to take any step on the part of this Province, but immediately upon its being known, measures were agreed to for prosecuting the design with vigor, which have already occasion'd a very great expense, and I am determined to proceed and hope all the forces will be raised before Govr Shirley's return, and if by the failure of any one Governmt the Expedition should be prevented going on, or any thing fatal to it should arise in the prosecution, all the ill consequences must be attributed to that Government which receded from their Engagements. It has been tho't advisable that Col. Hale should return to N. Hampr who I doubt not will be able to satisfy your Excellency and the Assembly of the propriety of his conduct, and that he conformed to his Commission, & that he can make no engagemt with relation to the Southern Colonys any fur-

ther than this: that whatever provisions or stores sh'd be granted there the Troops of New Hamp^r would have the benefit of in common with the rest of the army, which undoubtedly will still be the case.

I am with great esteem

Your Excellencys, most obed^t hum^bl. ser^t.

S. Phips.

Copy of a letter sent ye House
by the Govr. 12th of April 1755.
Examined by Mr. Livermore, clerk.

[Note.—The letter of Sec^y Willard, not found.—Ed.]

Tuesday, May 20th 1755.

[p. 548.] Voted, That the Treasurer send out his warrants for collecting the Province Tax for the current year, which may be paid in Specie agreeable to the prices fixed & set to the following articles, viz.

Merchantable Hemp pr hundred	£5	12	0
Flax pr pound	0	1	0
Winter and first fare Isle of Sable Mercht^ble Cod-fish pr Quintall	1	10	0
Bar Iron pr hundred	3	0	0
Rye pr bushel	0	6	0
Wheet pr bushel	0	10	0
Barley pr bushel	0	6	0
Pease pr bushel	0	10	0
Indian corn pr bushel	0	6	0
Pork pr pound	0	0	7
Beef pr pound	0	0	3
Joyst pr thousand	2	10	0
Merchantable white pine boards, pr thousand	2	15	0
White oak two inch plank per thousand,	10	0	0
[p. 549.] Bees wax pr pound	0	2	0
Pitch pr barrel	1	10	0
Tar pr barrel	1	5	0
Turpentine pr barrel	2	0	0
Bay-berry wax pr pound	0	1	6
Tanned sole leather per pound	0	2	0

Sent up by Maj. Davis. [Concurred.]

Journ. C. May 21, 1755. Mr. Jonathan Lovewell made report That he had notifyed the Inhabitants of the town of Bow of the time & place for holding a town meeting & that he did attend the same at the time and place appointed, but the inhabitants neglected to attend, except one man —which report was sent down to the House with a message from the board that they tho't the transactions of the Inhabitants of that Town merrited the immediate notice of the Legislature & Therefore recommended it to the consideration of the house to calculate some act that might Prevent such proceeding for the future.

[p. 552.] Thursday May 22^d 1755. Met according to adjournment.

The Secretary brought into the house a written Message from his Excellency dated ye 13th inst., also sundry papers from New York Goverm^t

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Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 257.]

Gentlemen of the Council
& of the Assembly.

Esteeming it for his Majesty's Imediate service, & for the advantage of the intended Expedition to Crown Point, I have directed the Secretary to lay before both Houses, Lieut Governor Delancey's letter to me of the 5th of May,(1) & the several papers therein referred to, for your consideration, not in the lest doubting, but that you will unite in contributing to the Essentials of that Expedition in all respects, as readily as any of his Majesty's Governments, that this Government may acquit themselves with Honour & not stand chargeable with any thing that may appear to be injurious to his Majtys service, or the Expedition.

B. Wentworth.

Council Chamber
in Portsmouth, 13 May, 1755.

Letter from Lt. Govr. Delancey of New York.

[Copied from MS. Corr. Vol. II, p. 207.]

New York, 3^d May, 1755.

Sir—

The sum of 10,000 being given by the Assembly of Pensilvania to be layed out in Provisions for the Troops raised in the Northern Colonys to erect a Fort at or near Crown Point the Assembly of this Province taking that matter into consideration have sent me the inclosed Message which fully explains their sense and appears so reasonable that I think the Colonys concerned will not hesitate in coming to it. To ease the expense I shall furnish the Cannon &c, as mentioned at the foot of the Message.

Measures should be concerted with the utmost expedition to provide for so essential an article as the Train and its appurtenances, the particulars and expense of which you will find in the inclosed estimate. Battoes or flat bottomed vessells (in number 160, allowing 5 men to each) are building for the transportation of the Troops of this Province and their provisions without which the proposed expedition cannot be carried on.

I also inclose a resolution of the Assembly of the 3^d of May. I think it is highly reasonable that the Colonys should each advance a certain sum to the commanding officer that he may not be under a necessity of advancing his own money for the Publick service and shall be glad if you set the example, that I may get the like done here.

I am, sir, your Excellencys, most obedient
& most humble serv^t.

James DeLancey.

Govr. Wentworth.

Copy examin'd by Matthew Livermore, Clerk of House of Representatives.

(1) The Editor has found no letter from Gov. DeLancey of the 5th of May; but one of the 3d, with other papers, which follow.

Message &c. above referred to.

[Copied from MS. Corr. Vol. II, p. 199.]

Assembly Chamber, City of New York, the 1st of May, 1755.

The House being informed that the House of Representatives of the Province of Pensilvania had contributed ten thousand Pounds to be laid out in Provisions for the Troops raised for erecting one or more Fort or Forts on his Majesty's Land at or near Crown Point.

Resolved, That a message be sent to his Honor the Lieutenant Governor to acquaint him that this House will furnish Provisions and all other necessarys for the eight hundred men to be raised and subsisted by this Colony on the aforesa'd service, and desire that the Provisions to be purchased with the said Ten thousand pounds may be employ'd for the use of the forces rais'd by the Colonys raised to the Eastward on condition that the said Colonys do provide a proper train of artillery with every thing requisite for the same for carrying into execution the aforesd Enterprise and conveying the same to the place or places where the sd artillery is destined to be employed; and to desire that his Honour will, before the departure of his Excellency Govr Shirley, concert with him the proper methods of providing and supplying the sd Train of Artillery, that an article of such consequence (without which the whole enterprise must inevitably miscarry) may be immediately provided, And further to assure his Honour, that if the aforesd sum of ten thousand Pounds should not be sufficient for all the purposes of the said train of Artillery, This house will supply the just proportion of this Colony towards making up such deficiency, and further to acquaint his Honour that if the said Ten thousand Pounds should be more than sufficient for the sd train of artillery and the Requisites thereto this House expects the just proportion of this Colony to be repaid.

Order'd that Mr. Nicoll and Mr. Cornell wait on his Honour the Lieutent Govr with the aforesd message.

By order of the Genl Assembly,

Abrm Lott, Jun. Clk.

Copy examin'd by Geo. Banyar, D. Secy.
New York, 1 May 1755.

By advice of his Majesty's Council for the Province of New York, I agree that the Eighteen Pound Cannon and the four Brass Field Pieces of six pounds with their carriages, that and other Implements now at Albany, shall be put under the direction of William Johnson, Esqr. of Mount Johnson, to be employed by the Provincial Troops under his command rais'd for building a Fort or Forts on his Majesty's lands near Crown Point, and removing the French incroachmts there,—the Colonys concerned engaging to Replace the said Cannon, &c. &c. or make good the Deficiency by loss or otherwise.

James DeLancy.

Copy examd pr Mathew Livermore.
Clerk of the House of Representatives.

Resolutions.

[Copied from MS. corr. Vol. II. p. 209.]

Assembly Chamber, the 3d May, 1755.

Resolved, That it is the opinion of this House that the allowance to the officer who is to command in chief the united forces of this and the Neighboring Colonies on the intended service of erecting one or more Forts nigh Crown Point on his Majesty's Land, together with the necessary ex-

pence he shall be put to, ought to be a common charge among all the Colonies engaged therein.

Resolved, That this House will make provision for supplying the just proportion of this Colony towards the said common charge.

Ordered That Captain Richard and Col. Beekman wait on his Honour the Lieutenant Governor with the aforesaid Resolutions.

By order of the Genl Assembly

Abr^m Lott, Jun. Clerk.

Copy Examin'd by Geo. Banyard, D. Sec^y

Copy examin'd by Matthew Livermore, Clerk, H. Rept.

P. M.

Voted, That Messrs Wiggin and Lovewell wait on the Council and inform them that the House desire a conference with the Council relating to the Governor's Message of the 13th Inst. to both Houses, bro't into the house this day.

The Secretary bro't into the house a letter to his Exc^y from Col. Johnson, and one from Col. Wendall.

The House adjourn'd for the space of half an hour by order of the Speak^r.

Letter from Col. William Johnson.

[Copied from MS. Corr. Vol. II. p. 211.]

New York, 5th May 1755.

Sir—

Being appointed Commander in Chief of the Colony forces for the proposed Expedition, I think it incumbent on me, as much as 'tis in my Power, to remove every difficulty in the way of the service and to suggest every thing that may favor the success of it. As the train of Artillery is so essentially necessary that we cannot move without it, and is to be furnished by the Eastern Colonys, I assure myself your Excellency will do every thing on your partthat the articles belonging to it be provided with all possible expedition, that our motions may not be retarded or our stay at Albany longer than is absolutely necessary which may confirm the enemy in their suspicion of being attacked, if the intelligence may unhapily reach them.

I am apprehensive we shall in great measure be destitute of proper persons to manage the train, and if there be in your Governm^t any persons qualify'd as Engineers, Bombardiers or well acquainted with the management of Artillery, I beg you would if possible engage them in the service, as much depends upon it.

You must be apprised that a great number of Battoes will be wanting to transport the troops, besides those for the train and stores ; one of these vessels is allowed to every five men, the Battoes for the forces of this Government are on hand, and as the other Colonys must I think get them built here, and in the Jerseys, it will hardly be possible to finish them time enough unless they send workmen to assist in making them.

I am, with great esteem, your Excellency's
most obedient & most hum^bl serv^t.

Wm. Johnson.

His Exc^y. Govr Wentworth.

Copy Examined by Matthew Livermore, Clerk, &c.

Letter from Col. Wendell.

[Copied from MS. Corr. Vol. II. p. 227.]

Boston, 19th May 1755.

Honble Sir—

From the best inteligence we can get, we find it will not be practicable for us to proceed in the intended Enterprise against Crown Point without a considerable number of Battoes, which we had no thoughts of procuring till now; and as we have no time to spare, have concluded on sending about fifty men ship Carpenters, Boat-builders and Joyners, directly for Albany to build as many as shall be sufficient for the forces going from this Province, and expect they will set out from hence the next Thursday.

We tho't proper to give your Honor this Intelligence for your own conduct, that if you think proper you might do the same. There are boards enough at Albany ready, & suitable timber to be had for the Battoes, but Pitch, oakum & Nails will be needfull and best to be sent from hence. The common Battoes are ab^t 24 ft. long and will carry 8 (1) barrells and 5 men; but those we propose to build for our selves will be 30 foot long, and wider in that proportion; and shall give orders for building 200 wch we apprehend will be necessary for our purpose.

With much esteem, I am, in the name of
the Com^tee of War, Sir,
Your very hum^bl ser^t.
JACOB WENDELL, by
order of the Com^tee.

[No address—probably to the Hon. Rich^d. Wibird.ED.]

A conference being had between the Council and house, met [p. 565.] according to adjournment [and] adjourn'd till 3 o'clock.

P. M.

May it please your Excellency.

The House have taken under consideration your Excellency's message to both Houses of the 13th. Inst. and sent to the house this day; and in answer thereto beg leave to say, That this house is of opinion that what they have already come into relating to the carrying on an Expedition to Crown Point, all circumstances considered is much more than the reasonable proportion of this Province and that inasmuch as there is no particular plan of operation relative to the said affair laid before us, we cannot see our way clear to make any alteration in what we have already agreed unto.

Voted, that the foregoing be sent as an answer unto his Excellency's message of the 13th inst, sent to the house this day. Sent by Mr. Hale. Adjourned.

[p. 566.] Saturday May 24th 1755.

The Secretary bro't into the House two letters which he said would give some Information ab^t the scouts making discoveries of Indians in the Frontiers. (2.)

(1) This figure is doubtful, it may be 6.—ED.
(2) The said letters cannot be found.—ED.

[P. 568.] Wednesday May 28th 1755.

Joseph Newmarch and Clemt March, Esqs. were sworn to the faithful discharge of their trust as committee men for getting the thirty thousand pounds Imprinted.

Also Mr. Hurd the Engraver took an oath for the faithful discharge of his trust.

Whereas there are sundry of the carriages of the Cannon at Fort William & Many much out of repair and a want of a new house there for the accommodation of the soldiers that are or may be placed there, and the walls in bad order,

Voted that Thomas Bell Esq. and Mr. Thos Wiggin be a Committee of this House to joyn with such as may be appointed by the Honble the Council to get such new Carriages made as they shall think needfull and to get such old ones repair'd as will admit of Reparation and also to get a house built for the accommodation of the soldiers that are or may be placed there, and to provide paint and Tar for the carriages, and that the charge thereof be defrayed out of the money that is or may be in the Treasury And that the said Committee lay an account of their proceedings before the Genl Assembly. And further Voted, That his Excellency the Governor be desired to cause to be Inlisted not exceeding the num-
[P. 569.] ber of twenty able bodied effective men, officers included, to be placed at the Fort aforesd not exceeding the space of two months, there to guard and do such work about the Fort aforsd and Batteries there as shall be order'd them by his Excy the Govr, and that the pay of the soldiers, besides their subsistance shall be three pounds fifteen shillings new Tenr pr month to be paid out of the money that is or may be in the Treasury after the Muster Roll shall be allow'd of by the Genl Assembly; And that provision be made therefor by the next supply Bill, Sent up P. M. by Mr. Lovewell. [Concurred.]

The House adjourn'd till three of the clock.

P. M.

The Small Pox act having been read three times Voted, That it pass to be enacted. Sent up by Dea. Philbrick and Mr. Thomas.

The house sent by Mr. Wiggin to the Council to withdraw the vote pass'd by the House the first of May 1754 for £250 new Tenr to his Excy the Govr. Adjourned for the space of five minutes.

Met and adjourned, till

Thursday, May 29th 1755.

Voted That there be paid unto his Excellency the Governour out of the money that is or may be in the Treasury, for his more

[p. 571.] honorable and ample support for the year 1754, the sum of three hundred Pounds new Ten^r. Sent up 30th by Mr. Thomas.(a)

(a) Jour. C. May 30, 1755, p. 160. Mr. Thomas from the house bro't up the following acc^ts & votes of allowance thereon, viz.

David Horney for house hire for Assembly	£15	3	6
Joseph Burr, jun for timber at the fort, 1746	8	12	3
Do. for a box for the Province Records, am^o	6	0	0
His Excellencys Salary	300	0	0
His Excy^s house rent to June next	75	0	0
Secretary's allowance for service 1754,	100	0	0
Mr. Langdon, praying with the Assembly	10	0	0
Mr. Haven Do. Do	10	0	0
Sheriffs allowance, for 1754,	20	0	0
Mr. Akerman, door-keeper allowance, from 5th Mar. 1753 to 5th Mar. 1755	50	0	0

all which were read at the board & concurr'd, and all assented to by the Govr, except for his Salary £300.

Bill for erecting a new Parish in the westerly end of Dover (Madbury) enacted.

Bill empowering Selectmen of Kingstown to sell a highway, enacted.

P. M. Mr. Hale from the house bro't up the following votes & acc^ts. viz

James Stoodley for entertaining an Indian, by Gov^rs order,	2	4	3
Eleazer Russell for supporting Eliphas Dow, in prison and to the time of his execution—	6	16	9
Widow Mary Brown, dieting the s^d Dow	14	0	4
Committee for forming the Excise	11	17	0
Fort Dummer com^tee for preparing papers, evidences, &c.	91	2	0
Mr. Livermore, attorney General	20	0	0
Soldiers posted at fort William & Mary to 25th March, 1755,	250	0	0

All which were concurred and assented to by the Governor.

Order of his Excellency Gov. Wentworth, relative to the Crown Point forces.

[Copied from MS. Corr. Vol. II, p. 229.]

Province of
New Hampr } To the Honble Richd Wibird Esq. Chairman of Com^tee to provide Provisions &c. for the Expedition to Crown Point.

It being my Intention to order the forces raised in this Government for the Crown Point Expedition to march to Canterbury next week & make that Fort the place of Rendezvous, from whence the army is to set out, you are hereby directed to provide Carrages for the Transportation of Provisions & all other necessary stores for the said Expedition to that Rendezvous.

You are likewise directed to provide all necessarys &c. of provisions for eighty men to be delivered at Exeter & for upwards of one hundred men to be delivered at Cochecha, with carrages to transport the remainder, the whole that will be needful to issue of Provisions &c. for the men

above mentioned with the allowance for twelve days for each man wch I propose will be what will be needful to carry them to Canterbury.(1)

Given at Portsmouth, May 28th 1755. B. WENTWORTH.

Copy Examd by Matthew Livermore, Clerk, &c.

NOTE.

[Here ends the MS. Volume, containing the "Journal of the House, 1747—1755." The proceedings of the House which follow are copied from a MS. volume in the Secretary's office, labeled "PROVINCE RECORDS. JOURNAL OF THE HOUSE, 1755—1759." Pages in the margin correspond with the original MS.—ED.]

Saturday May 31st, 1755.

[P. 1.] Whereas it is yet uncertain which way the forces raised by this Province for the intended Expedition to Crown Point will proceed, Therefore voted, That in case the said forces shall proceed such a way as it will be necessary for the Committee of war to purchase Provisions or other things necessary for the said forces where our Bills will not answer to purchase the same, that the Committee already appointed to draw Bills on John Thomlinson Esq. or the major part of them, shall be and hereby are authorized and impower'd to draw a Bill or Bills on John Thomlinson Esq. agent for this Province at the Court of Great Britain, in favour of the said Committee of War for not exceeding the sum of five hundred pounds sterling, of the interest of the money in the hands of the sd John Thomlinson Esq. belonging to this Government, and that the sum of one thousand six hundred and twenty five Pounds, or in that proportion, for what shall be drawn for in Bills emitted by this Govern-[P. 2.] ment for carrying on the said Expedition to Crown Point shall be exchanged for the like sum in the Bills of Credit on this province for the carrying on the intended Expedition against Canada, and that the same shall be burnt to ashes in the face of the General Assembly in order to sink so much of said Bills of credit emitted by this Province for carrying on the said intended Expedition against Canada. Sent up by Mr. Lovewell. [Concurred.]

Whereas Mr. Jonathan Lovewell is appointed Commissary for the forces raised in this Province for the Expedition to Crown Point, and he may want assistance as Commissary aforesd while in the said Expedition,

Therefore Voted that he have two (or more if needful) of the soldiers in pay in the said Expedition to assist him as Commissary aforesd. Sent up by Mr. Stevens. [Concurred.]

The Secretary came into the House and adjourn'd the Genl Assembly till Tuesday the twenty-fourth day of June next ten of the clock in the forenoon.

(1) See Potter's Mil. Hist. in Adj. Gen. Report, 1866, Vol. 2, p. 143-4.

A SPECIAL CONVENTION.

Note.—The Journal of this Convention, and papers laid before it, which were found scattered in different volumes in the Secretary's office, have been carefully arranged by the Editor, as follows:

[Copied from MS. Corr. Vol. II. p. 245.]

Province of New Hamp^{r}. } At a Special Convention of the members of the Genl Assembly at Portsmouth the ninth day of June, in the twenty-eighth year of his Majesty's Reign, annoque Domini 1755, pursuant to an order from his Excellency the Governor—

The Secretary bro't into the members convened a written message from his Excellency—a letter from Govr Shirley, Extract of a letter from Maj^{r} Genl Johnson to Govr Shirley; Extract of a letter from Mr. Alexander, also of another letter from Maj^{r} Genl Johnson to Govr Shirley; also a list of particulars from Maj^{r} Genl Johnson respecting several officers necessary to be appointed for the Expedition to Crown Point, &c.

Governor's Message.

[Copied from MS. Gov^{rs} messages, Vol. II. p. 269.]

Mr. Speaker & Gentlemen of the Assembly.

Upon receiving the letters & other papers which the Secretary will now lay before you, I thought it for his Majesty's immediate service to convene the King's Council & to advise with them what measures were necessary for me to take effectually to provide for what was demanded for the service of the Expedition.

The Council having duly considered of what importance it was to the present service that ample provision should be made for General Johnson on the several points refer'd to in his letter to Governor Shirley, by all the Colonys interested in the Crown Point Expedition, did unanimously advise that I should forthwith meet the General Assembly by a special Convention of the members, as the essential things required to be done, depended on grants to be made by the Assembly.

The benefits that must arise to the Northern Colonys from the success of this Expedition are boundless, and cannot be brought in competition with the Expence that may be incurred thereby, should it miscarry by any ill timed parsimony of either of the Colonys, we ought to consider the

fatal consequences that would attend it, & at all events guard against a failure on our part, which I am hoping will have great weight & a happy influence on the councils of both Houses on the importance of this message. The only objection to our further assistance in this Expedition that has appeared to me, is, that we have already exceeded our Quota in the grant made of 500 men, & should that be the case which at present cannot be determined, yet upon due and mature reflection it cannot in the lest operate against us, when the Quotas of all the Colonys interested in the expedition are equitably adjusted & ascertained, which finally must be done for the common safety of the whole, either by our respective General Assemblys or a higher authority, if it cannot be agreed amongst ourselves.

Upon this consideration admitting we do exceed our quota towards the present Expedition in all or either of its branches, admitting likewise that we succeed in the enterprise & that the success is in part owing to the ample grants of New Hampshire, which must share as largely in it, or more so, than either government concerned; yet in the future adjustment of each Colony's charge, if it appear that we have contributed to the expedition beyond our quota, our balance must be repaid, which will reflect more honour on the government than to be call'd upon for deficiencies:—Therefore I would flatter myself that you will not hesitate at making such grants as are required for this service, agreeable to the papers & letters I lay before you.

B. Wentworth.

Council Chamber in
Portsm°. June 9, 1755.

Papers Accompanying the Gov^rs Message.

(No. 1.)

[Copied from MS. Corr. Vol. II. p. 233.]

Letter from Gov. Shirley.

Boston, May 29th 1755.

Sir—

I inclose your Excellency an Extract of a Letter I rec^d by Express from Maj^r Genl Johnson with a list of other things he proposes to be done with the utmost dispatch. The necessity of immediately settling the several matters he presses in his letter to have fix'd and ascertained by the Colonys concern'd in the Expedition against Crown Point, and providing funds for the defraying the expence of it in order to have that enterprise carryed into execution in due time, and the reasonableness of what he desires with regard to himself, are so apparent, that I persuade myself every Governm^t will instantly take the several matters under their consideration and act upon them as his Majesty's service and the common cause of the Colonys require should be done. I shall this day take the first opportunity of most earnestly recommending it to the Genl Assembly of this Province to do the needful on their part and doubt not of your Excellency's co-operating with me by doing the same to the Assembly of your Colony.

The fixing the pay of the officers whom Mr. Johnson shall appoint to command the Indians which he shall engage in this Expedition, is a most material thing and will not admit of delay, and I can't but think with him that considering the difficulty of the service they will undergo their pay ought to be equal to what they received in the intended Expedition against Canada in the late war, which was the King's pay and what they will certainly expect now. I doubt not you will think it but just and advisable that a proper allowance should be immediately determined upon for the general himself.

I would likewise in particular observe to your Excellency, that it will be absolutely necessary that a road of near 20 miles should be immediately clear'd, and three strong store-houses built between Albany and the great carrying place to Crown Point, before the Provisions & stores are sent up, and such of the forces designed against that place as are ready, should march directly to cover the execution of that necessary work; and what renders their marching as soon as possible more necessary is, that by some unaccountable panick got into the people to the Northward of Albany they have all left their Plantations on that side to within three or four miles of the town, and there is no getting any body to do any thing that way but under strong guards. Add to this that they would be useful in forwarding the building of the Battoes, for wch or for any other extraordinary service they will receive six pence pr day.

The utmost dispatch should be used in forwarding the Expedition against Crown Point upon every account, but more particularly as the French are in a way at present of gaining Intelligence by the way of Albany of every thing transacting in the Colonys, which they can get from thence, which appears plainly from the two inclosed paragraphs of letters I received from General Johnson and Mr. Alexander of New York, then at Albany: for preventing this as much as may be for the future, I have wrote to Govr De Lancy upon this subject.

For my own part I am making every movement as fast as possible in this Government, both with respect to the Expedition against Crown Point and that against Niagara, the company of the Provincial Regiments destined for the former will forthwith march, as fast as each company shall be completed (which is pretty near the case with all of them) to Albany, the place of Rendezvous, my own Regiment will begin to imbark in a very few days, and I purpose to follow it by the twelfth of June.

I think nothing further need be said to show the necessity of every Government, moving in these affairs with the utmost dispatch and vigour, and have the satisfaction from certain Experience of being perswaded of your Excellency Governmts heartily joining in it.

I am with very great Regard,
Sir, your Excellency's most humble
and most obedient servt.
W. Shirley.

His Excellency Govr Wentworth.

A true Copy, &c laid before the Convention—
Examd by Matthew Livermore, Clerk, &c.

(No. 2.)

Extract from Major Genl Johnson's Letter to Govr Shirley, dated, Mount Johnson, 16 May 1755.

[Copied from MS. Corr. Vol. II, p. 217.]

"Last night I was honored with your favour of the seventh Instant.

The Indian officers will doubtless and with Reason, expect more pay than those of the Provincial Troops, their service will be severe and much more fatiguing, and, by the wear and tear of their cloaths be more expensive to them: In the last expedition their pay was equal to that of the British troops, and as I propose to employ the same persons again, they will naturally and reasonably insist upon their former pay.

I am fully satisfied that mere verball assurances for their pay will not be sufficient; That they will demand a more solid satisfaction, and expect to be put upon a certain footing with regard thereto. This ought to have been already done, that they might be now assisting the common cause.

It is impossible for me to make with any tolerable exactness, an estimate of the expences which may arise from my attempts to engage and maintain the six Nations and their allies in the British interest. The progress of the French amongst them hath run such lengths and thrown such unfavourable dispositions into them towards us, wch together with the weakness of the public Interest of this Colony upon them, will render my task very difficult, since, to bring them back to their former attachment, to counter-work the many artifices and expensive Bribes of the French and to fix upon them a hearty zeal toward us, does not only call for my utmost diligence, require the whole force of my influence and ability, but unavoidably demand a considerable sum of money.

The £800 lodg'd by Genl. Braddock in my hands was appropriated and must be made use of for Presents when they meet me here, in order for my laying the foundation of all my future success with them. If by that meeting I should happily engage them so far in the interest of the British Colonys as to overset the measures and disappoint the expectations of the French, you will know, Sir, that they will immediately throw themselves and their familys upon me for their maintenance for all their necessary wants, and expect to be indulg'd with constant little presents;—this, from the nature of Indians, cannot be avoided & must be comply'd with. To defray these expences, Funds must be fixed, and the several Colonys who have engaged themselves in this important affair authorize me to draw upon them in such proportion as they may settle amongst themselves.

I am convinc'd the Gov^t^ at home, and I persuade myself the Colonys here, do not, cannot with any shadow of reason suppose I am either able or willing to advance their expences on this occasion out of my own private fortune:—for me to wait the future discussions of Colony proportions, to risque my Fortune upon a Repayment from the respective Assemblys is a dependance which neither my judgment nor my experience will suffer me to do.

Your Excellencys assurances in behalf of Your Assembly have all the weight with me which you or they can reasonably expect and I would by no means be tho't to doubt either your sincerity or their public spirit; but you and they, Sir, must be sensible that a proportion unascertain'd, and a fund yet to be established may be a future Embarrassment not only to me but to themselves.

I am, Sir, under a necessity in this affair to be thus explicit, and must beg the favour of your Excellency with all possible expedition to give me a positive answer in behalf of your Colony.

I shall draw, if that method be prescribed me on the respective Colonys in the Proportion they agree upon among themselves, render the most exact acc^t^ how the monies are issued which the nature of the service will admit of, be as frugal as I prudently can, and be willing to attest the truth and uprightness of my acc^ts^.

As to the £2000 Mr. DeLancey told you Genl Braddock had put into my hands, or rather, which is the case, given me orders to draw for on Mr. Oliver DeLancey, £800 or upwards of that Sum is already laid out in a present for the Six Nations, when they meet me here, and from the remainder I am now daily expending in *precious* measures, and shall continue to make use of it as occasion may call for, but this sum will fall very short of the services agreed upon and required, and a further Provision from the Colony will be absolutely necessary, and that put upon a determinate footing as soon as possible.

I have already had a Conference with the two Mohawk Castles, and talk'd privately with their Sachems: they discover good Inclinations, and I am in hopes that they will not only come into our views themselves, but be the means of influencing others. I am now sending an invitation to the other nations to meet me here as soon as possible, and I hope I shall see them in about three weeks.

Though I sent a message on my Return hither thro' the Six Nations to apprise you of the marching of the Troops to the reinforcement of Oswego, yet I find it will be quite necessary to send forward an Interpreter with a Speech and a Belt to them on this occasion, as I learn from some trusty Indians, whom I can depend upon, that notwithstanding the message I have already sent, the French emissarys will blow such Poison into their ears upon the marching of these Troops as may, if not removed, be of ill consequence.

I must beg leave to mention to you, that hitherto the Colonys have made no provision to support me in that distinguishing character to which I am promoted, as I assure you, I neither seek nor desire any emolument to my private fortune thereby, so I hope you and they will judge it unreasonable for me to be left without a necessary and proper Establishmt."

I am, &c.

"I viewed the Cannon & field pieces designed for my command and find every thing belonging to them rotten & unfit for service, and as it will take up some time to have new carriages &c. Workmen should be instantly employed to make them, as also the Battoes for the artillery ordnance, Stores, &c."

A true copy of a paper laid before the Genl Assembly at a Special Convention by his Excellency the Govr, on the 9th day of June 1755.

Examin'd by Matthew Livermore, Clerk of the house of Representatives.

(No. 3.)

[Copied from MS. Corr. Vol. II, p. 223.]

Extract of a Letter from Majr Genl Johnson to Govr Shirley.

Dated Mount Johnson, 16 May 1755.

"There are French Indians almost every day trading at Albany and upon the arrival of Capt. Broadstreet and the other Company, and their marching them for Schenectady, one Tom Wileman, an Indian immediately set out for Crown Point, and when he was got abt 6 or 7 miles from the Town got a horse and was seen galloping away towards Canada with the utmost alertness."

A true copy &c. laid before the Convention—
Examd by Matthew Livermore, Clerk.

(No. 4.)

[Copied from MS. Corr. Vol. II, p. 225.]

Extract of a letter from William Alexander, Esq. to Govr Shirley, dated

Albany, May 18th 1755.

"There has been several French Indians in this Town lately, particularly one Tom Wileman who as he speaks both Dutch & English is very fit to get Intelligence for them, and on Capt. Broadstreet's arrival went away in haste, last Sunday morning. More are expected here to day or to morrow."

A true copy, &c. laid before the Convention.
Examd by Matthew Livermore, Clerk.

(No. 5.)

[Copied from MS. Corr. Vol. II, p. 245.]

List of Particulars from Major General Johnson as necessary to be immediately provided for.

1. That as fast as the Companys are completed, they may be sent to Albany to receive furtner orders.
2. That a proper person may be appointed as Commissary in each Province to muster the men, and ordred not to pass a man unfit for service.
3. That all the Provisions and warlike stores be sent with all imaginable dispatch to Albany and that Commissarys for the Provisions, and store keepers for the ordnance to be sent, also to provide proper places to receive them.
4. That a Commissary be appointed to hire carriages, horses &c. which may be necessary and to be answerable for the same.
5. That a proper person be immediately appointed to receive and take care of the Battoes with the necessary setting Poles and Paddles and to be accountable for the same.
6. That I may be impowr'd by the several Provinces who furnish Troops to allow the men 6*d* a day when they work at any kind of Fortifications.

A true copy, &c. of a paper laid before the Convention &c.
Exam^d by Matthew Livermore, Clerk.

Tuesday June 10th 1755.

The answer to his Excellency's message of Yesterday sent up by Messrs Knight and Wiggin.

The Answer as follows.

[Copied from MS. Gov^rs Messages, Vol. II, p. 271.]

May it please your Excellency

The members have taken under consideration your Excellency's message of the ninth of June 1755, and of the several papers laid before them with the said message, and it appearing to them from the said Papers, That the Forces rais'd by the several Governments (concerned) for the intended Expedition to Crown Point are to be under the command of General Johnson, and that the Place of General Rendezvous is to be at Albany; but being uncertain what allowance will be made the Major General for his services and also what expence he may be at for the officers that may be put over the Indians that may engage in the said Expedition, not knowing the number that may be employed and also being uncertain what expence and charge he may be at for Presents and towards the support of the Familys of Indians that shall engage in the said Expedition, cannot, with any propriety come into any certain sum, especially as we cannot act in a Legislative capacity: But at the same time are willing to do our Proportion towards the carrying the s^d Expedition into execution, and shall be willing, when the proportion that each Governm^t shall bear in the s^d Expedition shall be settled, to bear and pay our part thereof, if what this governm has already agreed to do relative to the said

Expedition, shall not upon such settlement appear to be our full proportion.

Meshech Weare, Speaker.

Sent up by Mr. Knight and Wiggin.

Withdrawn again—as entered on that which was sent up, of which this was a copy.

Meshech Weare, Speaker.

Post Meridiem.

The Secretary with Rich[d] Wibird Esq. came into the House with the answer to his Excellency's message of yesterday and s[d] the Council tho't it would be best to make a certain allowance to Maj[r] Gen[l] Johnson of the sum of one hundred pounds sterling for himself, his paying the officers that may be appointed over the Indians y[t] may engage in the Expedition to Crown Point and for making Presents to the Indians, and said further that his Excellency said, That when the verball message was sent to him this morning he had forgot one letter he had receiv'd from Gov[r] Shirley, which he had left at Little Harbour, but would send it up to-morrow morning—and left the said answer with the members.

The question being put whether the members would adhere to the answer sent in the forenoon to his Excellency's message of yesterday, it past in the affirmative.

Wednesday, June 11th 1755.

The members met in convention.

A letter from Gov[r] Shirley to Gov[r] Wentworth dated May 31, 1755, laid before the members.

Governor Shirley's Letter.

[Copied from MS. Corr. Vol. II, p. 237.]

Boston, May 31st 1755.

Sir—I am to acknowledge the Honour of your Letter dated the 25th instant, in which your Excellency acquaints me, that the Assembly within your Government have absolutely "refused to be concerned in making "any further Provision for defraying their Quota of the expense of the "expedition now set on foot against the French Incroachments at Crown "Point, than to pay the 500 men rais'd by your Government for that ser-"vice for six months, and to subsist them only until they arrive at Crown "Point; for y[t] the Commissioner sent from me gave them full assurance "that if they would make a grant for raising the five hundred men, noth-"ing more could be expected or desired from them."

Your Excellency further informs me that "you have appointed the "Rendezvous for these 500 men at a place on Connecticut River without "four days march of Crown Point where you propose the Troops shall "remain untill the arrival of the army, which can be known by keeping "out constant scouts; and from Connecticut River there will be no diffi-"culty in driving up cattle for the use of the Regiment."

As to the former part of your Excellency's letter, I would acquaint you that upon Enquiring of the Gentlemen of the Committee of war for this Province concerning the certainty of the fact upon which your Assembly ground their Refusal to make further provision than they have already done, they told me they were in hopes this objection had been quite removed by a letter wch Lt. Govr Phips wrote to your Excellency acquainting you that Colonel Hale had no authority from this Government to make such an assurance as is before mentioned, and that he had informed them that he had since that been in your Governmt and convinced several Gentlemen of the Assembly whom he had talked with upon that subject, that the notion of his having given them any assurance that they should be exempted from bearing any further part of the common expence of this Expedition, provided they rais'd 500 men, was a mistake: indeed the form of the expression wch your Excellency makes use of in your Letter, viz. That nothing more *could be expected or desir'd* from *them*, seems to denote that he spoke his Judgmt only, not that he meant to give *them* any assurance.

Your Excellency will be pleas'd to observe that the article of subsistance is pretty well out of the question, that being in a great measure provided for by the Grant of Provisions from the Governmt of Pennsylvania; As to the pieces of artillery these are likewise furnish'd free of expence, the only remaining considerable articles are military stores, charges arising from the Engagement and maintenance of the Indians and pay of their officers, and 100 Battoes for the transporting of your 500 men and stores, and I hope that the Gentlemen of the Assembly within your Excellency's Governmt will not, after having proceeded so far, quit the common cause in which their own province and its extensive frontier are so deeply interested, for the sake of avoiding to contribute their Quota of the expense for the support of it, in the several articles in dispute: I do assure your Excy that I wish it was in my power to ease them of it in any shape; I would chearfully do it.

As to the latter part of your Excys letter, you will perceive by the extract of Major General Johnson's letter and other papers inclosed in my other packet, that it would have better suited the service of helping to clear the Road and building the store houses mentioned there, that your Forces should be marched to Albany as the place of Rendezvous, but that must be as your Excellency shall judge proper upon the whole, and will be pleas'd to order it. If their place of Rendezvous should be at the place designed on Connecticut River, and they march from thence to Crown Point, then ye article of Battoes will be reduced to your Governmt's Quota of those which must be provided for transporting military stores, which will be a trifling number and under twenty, and I can't but hope that your Assembly will not think it for the interest of the Province to desert his Majesty's service in which they have engaged at this critical conjuncture.

I may assure your Excellency from every letter I have of late received from Sir Thomas Robinson, I have reason to think that his Majesty hath a dependance upon a common Fund's being raised in all his Colonys upon this Continent in proportion to their respective abilitys for defraying all articles of expence enterd into for their common defence and that such an one must in the end be either voluntarily rais'd or else assess'd in some way or other; and in such case the accts of every Govts expense in this common cause will doubtless be considered and adjusted, whether the Ballance upon the whole is in their favour or agst them, so that it can't be a point of prudence in any Govt to run the Risque of doing mischief to the common cause by quitting it for the sake of saving their proportion of the expence in the two or three articles in dispute.

Upon the whole, Sir, I would not have your Excy understand me as pressing these articles of expense upon the Governmt for the sake of eas-

ing the others; as your Governmt seems to think they shall contribute their full proportion of the expence of this Expedition in what they propose to pay. To end all disputes and prevent the mischief which may arise from them, I should be glad to induce my own and the other Governmts to take the expence of the articles in dispute off from the Province of New Hampr and divide it among themselves: But that it is out of my power to do.

I thank your Excy for the offer of the liberty of raising within your Governmt two Companys for this Province in the Expedition agst Crown Point. By what I can understand, we shall not want them. I am extremely oblig'd to you for the intended Loan of the Tent. I shall not have occasion for it.

I am, Sir, Your Excys most humb & and most obedient servt.

W. Shirley.

I would beg the favour of your answer as soon as conveniently may be.

A true copy &c. laid before the convention ye 11th of June, 1755.

Examd by Matthew Livermore, Clerk.

The answer to his Excellency's message sent up by Messrs. Hale and Lovewell.

The Secy bro't into the members a Resolve of New York Assembly abt defraying certain charges, Massachusetts' committees Report respecting Genl. Johnson, and Indian officers allowance, &c. List of articles provided for Crown Point expedition by Massachusetts.

[The following are the Papers above referred to.]

Resolves of New York Assembly.

[Copied from MS. Corr. Vol. II. p. 231.]

Assembly Chamber, City of New York, 28th May, 1755.

The House according to order, Resolved itself into a Committee of the whole House upon his Honour's message of yesterday; after some time spent therein, Mr. Speaker resumed the chair and Mr. Nicholls reported the Resolutions of the Committee which he read in his place and afterwards delivered in at the Table where the same were again read and agreed to by the House and are as followeth viz.

Resolved, That it is the opinion of this Committee that for and towards purchasing 30,000 pounds of pork, 15,000 pounds of Bread, 470 Bushels of Indian corn, 235 Bags—300 light guns, 900 lb Powder, 2700 pounds of lead, 300 Blankets, 300 Hatchets, 10 pounds of Paint, 100 small looking glasses, 1800 flints, 900 pounds of Tobacco, 937½ Gallons of Rum, 300 Indian knives, 300 shirts, 300 *stroud* stockings, 300 pair of Indian shoes, and 300 paint Boxes, amounting in the whole, to the sum of Two thousand Pounds, for the use of 300 Indians to be employed in the aforesaid Expedition to Crown Point, there be allow'd the sum of £242 : 8 : 6, being the just Quota of this Colony towards the foresd Expense according to the proportion settled by the Commissioners at Albany in the year 1754.

Resolved, That it is the opinion of this Committee that for and towards the pay and subsistance of ten carpenters to attend the united forces of this and the neighbouring Colonys on the aforesaid Expedition for erecting of Forts in proper places, there be allowed the sum of £10 : 12 : 2,

being the just Quota of this Colony towards the said Expense according to the aforesaid proportions.

Resolved, That it is the opinion of this Committee that for and towards repaying unto his Excellency Major Genl Braddock the sum of eight hundred Pounds sterling advanced by him for Presents to the Five Nations and other Indians in his Majesty's interest, there be allow'd the sum of £174:10:11, New York currency, being the just Quota of this Colony towards the said £800 sterling according to the afores^d proportion.

Resolved that it is the opinion of this Committee, that if in the progress of the intended Expedition to Crown Point, it be found necessary to build a frigate on Lake Champlain, this colony ought to bear its share of the expense thereof, according to the afores^d proportions.

Ordered, That a Bill be bro't in pursuant to the said Resolutions and that Mr. Nicoll and Mr. Watts prepare and Bring in the same.

By order of the Genl Assembly

Ab^rm Lott, jun. clk.

A true copy examin^d by Geo. Banyar, D. Secy.

A true copy, Exam^d by Matthew Livermore, clerk, &c. of the House of Representatives.

Report of Massachusetts Committee.

[Copied from MS. Corr. Vol. II. p. 241.]

At a Great and General Court or Assembly for his Majesty's Province of the Massachusetts Bay in New England begun and held at Boston, upon Wednesday the twenty-eighth day of May 1755, being convened by his Majesty's Writts.

The Committee appointed to take under consideration his Excellency's message to both Houses of the 6th instant have so far attended the service as to consider the extract from Major Genl Johnson's letter, referred to in his Excellency's said message, and Report as their humble opinion:—That a sum not exceeding six hundred pounds be granted and allowed to be paid out of the Treasury of this Province for the service of the Expedition against Crown Point, to be applyed towards engaging the Indians of the Six Nations and supporting them and their familys during the continuance of the said Expedition; and that the Treasurer be directed to reserve the afores^d sum to be always ready to answer any draughts that may be made on him by Major Genl Johnson, for the purpose afores^d, provided y^t the said Major Genl be accountable therefor and that he draw on the Treasurer for so much only of the whole charge as shall be in proportion to the number of Troops in the pay of this Province, compared with the whole forces of the several Colonys concerned in the Expedition:

That for every company of Indians consisting of one hundred men, there be allow'd wages—To a Captain at the rate of nine Pounds Sterling pr. month: To a Lieutenant at the rate of six pounds sterling pr. month, and to an Ensign at the rate of four Pounds Sterling pr. month;—their pay to be commenced at the time when they shall receive their Commissions: That the wages of the General or Commander-in-Chief of the Forces in the afores^d Expedition be at the Rate of twenty-five pounds sterling pr. month to commence at the date of his Commission:

That this Province do pay towards the wages of the General and also towards the wages of the officers over the Indian Forces, in the same proportion as is before proposed in this Report it should pay towards the charge of securing and supporting the said Indians.

Which is humbly submitted,

Pr. order, John Otis.

In Council, June 7, 1755, Read & sent down.

In the House of Representatives, June 7, 1755, Read and order'd y^t this Report be accepted.
Sent up for concurrence, T. Hubbard, Spk^r.
In Council, June 7, 1755, Read & concurr'd
Thos. Clarke, D. Sec^y
Consented to W. Shirley.
A true copy Exam^d by Matthew Livermore, Clerk, &c.

List of articles provided and providing by the Committee of War in Massachusetts for Crown Point Expedition to be sent in two Transports of 80 Tons each, viz.

[Copied from MS. Corr. Vol. II. p. 295.]

1 mortar of 13 inch
1 Do. 10 inch
1 Royal 7 inch
1000 shells
3 Beds for mortars
1 Hoit 7 inch, & 100 iron shot.
2 hhds of paper Wadding
2 doz. of sheep skins
1000 fusees sorted
12 Rheam cannon cartridge paper.
250 bbls of Cannon powder
150 bbls of Pistol ditto.
20 m. of Flints.
400 small arms
1200 cartouch boxes
1500 Powder flasks
1300 Powder horns
375 tin kettles.
4 pair of large steelyards
4 pair of small steelyards
4 setts of tin measures
4 Doz. large horn lanterns
4 Doz. muscova Ditto.
12 setts of hamers, trowalls &c for the masons.
15 setts of carpenters tools
12 whip-saws & files
6 cross-cut saws & files.
10 Boxes candles
20 Jarrs of oil for small arms.
20 lbs of Twine for sundry uses.
20 Grind stones fixt
100 Whet stones
2 Casks 10d. Nails
1 Cask 20d. do
1 Cask 24d. do
for the Battoes.
200 Battoes of several sizes
2 doz. Padlocks, hasps and staples.
73 painted canvasses for covering Provisions & ammunitions in the Battoes.
1500 lbs of oakum
1500 worms & 1500 wires
1500 knapsacks & bullet pouches.
33 Drums.
1420 hatchets
215 Bill hooks
265 Tent pins, mallets, &c.
3 large Tents for the 3 colonels
384 shovels
200 spades
100 Pick axes
1000 Wood axes
36 Broad axes
30 Adzes
50 Iron wedges
50 Rings for Beetles.
1 Smith's travelling forge & materials
2 setts of Blacksmith's tools
1 chaldron of coal
10 lbs of Pitch. 2 hhds fish.
Quoils of match.
5 lbs. of tarr. 10 lbs. of ginger
28 lbs. of Flax. 3 bbls. sugar
24 scains of tarr'd marline
24 scains of white do.
60 fathom of 4 inch rope for drawing cannon
10 fathom of 5 inch for gunstrings
30 iron crows & crab handspikes
400 iron cannon shots
100 lb. German steel
5000 Bullets
6 Bed-pans
6 close stool pans
50 single beds & pillows fill'd
50 pr sheets
150 single beds & pillows unfill'd.
1500 Spoons
150 bowls
150 Platters
3 Horses & a small cart to carry the tools, provisions of several sorts.

your Excellency's hum^bl servant
J. Wheelwright.

Sundrys sent in a Cart by Land for the Battoe men.

20 Broad axes
10 adzes
1 cross cut saw
3 shaves
25 small arms
1 whip saw, 18 caulking irons, 3 narrow, do. 12, hand-saws.
6 fore plains, 1 smoothing plain, 12 hammers
5 doz. Gimblets
6 doz. lines
1 doz. compasses
12 two foot Rules
12 half round files.
6 plain irons
3 broad chissells
48 cartouch Boxes
48 knapsacks
½ C. Bullets
400 flints
30 powder horns
48 8-4 blankets
20 lb. of powder.

A true copy exam^d pr

Matthew Livermore, Clerk &c.

Post Meridiem.

The members met. The answer to his Excellency's message withdrawn. The Report of the committee appointed to draw an answer to his Excellency's message being read, Voted that it be accepted.

Post Meridiem.

The Report that was accepted in forenoon sent this afternoon to the Council, by Mr. Macmurphy. [as follows.]

Report of Committee.

[Copied from MS. Corr. Vol. II, p. 251.]

Province of }
New Hamp^r } June 12th, 1755

At a Convention of the Council and General Assembly by his Excellency's summons upon especial emergencies:

The Committee appointed to take under consideration the sundry Papers his Excellency was pleased to lay before them in relation to some additional expences that might accrue in the carrying into Execution the Crown Point Expedition, as the pay of such officers as should be appointed to the command of such of the six Nations of Indians as should engage and proceed in the said Expedition, and for an allowance towards the subsistance &c. of such of their familys as should so proceed and also to make some suitable provision for the General's pay; and having recurr'd to the Report of the Committee of the 15th of March last, and the subsequent votes of the Assembly of this Province thereon, concurr'd by the Council and assented to by his Excellency, find them so clear and expressive, that we think 'twill admit of no doubt whether this Province ought to be at any further expence in the said Expedition than therein particularly mentioned, viz. The raising of five hundred men and paying them for six months, if the Expedition was not sooner over, supporting them with provisions & ammunition till they get to the place of General Rendezvous and no longer, supposing provisions &c. would be there provided for them; and are of opinion that no reasonable demand for any further expence can lay against this Province, being persuaded that a just Quota of this Province drawn from its number of In-

habitants or its Riches or both, and compared with those circumstances of the other Governm^{ts} engaged in the said Expedition would fall greatly short of the sum this province is obliged to advance, agreeable to the said Report of the 15th of March aforesaid, which Report and votes thereon were immediately transmitted to Governor Shirley by the Commissioner appointed by him to attend the General Assembly of this Province on said service, and therefore are of opinion that this Province might and ought to be excused bearing any part of the said expences either towards the General's pay or the subsistance &c. of the six Nations: But that no failure may happen in those particulars so reasonable and necessary in themselves, We are humbly of opinion that this Province bear a proportion of those expences, and as no method has yet been agreed upon to settle & determine the quotas of the several Governments engaged in this Expedition, can't pretend to fix upon a sum that would be exactly equal, But as in all the Expeditions in which this Province has acted in conjunction with the Province of Massachusetts Bay, which expeditions have been many and frequent, this Province never bore more than one tenth part, and which was always tho't more than an equal proportion for this Province; and that this Province may rather exceed than fall short in their Quota in the above mentioned particular, We think it adviseable and humbly offer it as our opinion that the Assembly pass a Resolve that they will pay to the amount of one eighth part of the sum voted by the Massachusetts, viz. to the engaging the Indians of the six Nations and supporting them and their familys during the continuance of the said Expedition, the sum of fifty six pounds five shillings sterling money of Great Britain, that being equal to one eighth part of the sum of six hundred pounds voted by the Government of the Massachusetts as their Quota for that service, and that this Province also pay in the same proportion towards the wages of the General or Commander-in chief of s^{d} Forces, and also towards the officers wages appointed over the said Indians, and that his Excellency be desired to signify the same to General Johnson, and that his Bills drawn on the Treasurer of this Province in pursuance of and agreeable hereto shall be paid upon sight, and that the Committee appointed for drawing Bills on the Agent &c. supply the Treasury with sterling Bills sufficient to enable the Treasurer to answer the General's drafts to that amount, as occasion may require, and that the Assembly make an act the next sessions to repay such sterling money as shall be so drawn for as above. Which is submitted.

By order Theod^{r} Atkinson.

In Council 12th June, 1755. Read & sent down to the Honble the Assembly.

Theod^{r} Atkinson, Sec^{y}.

Province of N. Hamp^{r} } June 12th 1755. At a special meeting of the members of the General Assembly met in pursuance of his Excellency's summons,

Voted That the foregoing Report be accepted.

Meshech Weare, Speaker.

A true copy, Exam^{d} pr. Matthew Livermore, Clerk.
original sent up by Mr. Macmurphy.

The Secretary came into the House and said that his Excellency had assented to ye Report of the Committee, which had been concurrd by the Council and had nothing more to lay before the Convention, and so the convention broke up.

Memorandum of the attendance of the members of the Genl Assembly at a Special Convention in June, 1755

[Copied from Journal of the House, p. 41.]

		June 9th.	10th.	11th.	12th.
Hampton Falls.	M. Wear Esq.	1	1	1	1 certifyed
Portsmo'	M. Livermore	1	1	1	1 certifyed
	E. Russell, Esq.	1	1	1	1 certifyed
	H. Sherburne, Esq.	1	1	1	1 certified
Dover—	T. Millet, Esq	1	1	1	1 certifyed
	Maj. T. Davis	1	1	1	1 certifyed
	Mr. J. Wentworth				1 certfed
Hampton	Mr. J. Tuck	1	1		1 certifyed
	Mr. J. Philbrick	1	1	1	1 certifyed
Exeter	P. Gilman, Esq	1	1		1 certified
	Mr. Z. Gidding	1	1		1 certifyed
New Castle &	T. Bell Esq.	1	1	1	1 certifyed
Rye	R. Jenness Esq.	1	1	1	1 certifyed
Kingston	Mr. B. Stevens	1	1		1 certifyed
Newington	Mr. J. Knight	1	1	1	1 certified
Stretham	Mr. T. Wiggin	1	1	1	1 certifyed
Londonderry	J. Macmurphy Esq.		1	1	1 certify'd
Greenland	C. March, Esq.	1	1		1 certifyed
Durham	Mr. J. Thomas	1	1		1 certifyed
New market	Capt. J. Gilman	1	1	1	1 certifyd
					June 28, 1755
Southampton	J. Page Esq.	1	1	1	1 certifyed
Plastow &c.	Mr. J. Hale—	1	1	1	1 certifyed
Salem &c.	Mr. H. Sanders				
Dunstable, &c	Mr. J. Lovewell	1	1	1	1 certifyed

[*Names of members of his Majesty's Council present, more or less of the time, at the Convention.*]

His Excellency Benning Wentworth, Govr.

Theodore Atkinson	Sampson Sheaffe
Richard Wibird	Daniel Warner
Jno Downing	Joseph Newmarch

Journal of the House resumed from page 385.

Tuesday June 24th 1755. P. M.

The Secretary brot into the House a written message from his [p. 3.] Excellency, Extract from the minutes of ye Council at Alexandria, dated April 14, 1755, Also Copy of an Act of the Massachusetts to prevent provisions being carry'd to Newfoundland.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. II, p. 279.]

Mr. Speaker &
Gentlemen of the Assembly—

I have directed the Secretary to lay before you an Act passed in the Massachusets June 14th 1755, more effectually to prevent the French Colonys being supply'd with Provisions & warlike stores from that Province, in which all his Majesty's Colonys ought to unite, & I hope you will loose no time in passing a bill of the same tendency, the common safety of the Continent demands it at this time.

The Secretary will also lay before you an Extract from the Minutes of Council held at Alexandria April 14th 1755, which explains a Resolve of the Assembly of New York which I laid before the members of both Houses at the late Convention.

You will observe that General Braddock advanced £800 sterling to be employed by Collo Johnson in making such presents to the five Nations as might secure them more stedfastly in the British Interest, & that £300 of the said sum was by him to be delivered at Oswego to the Western Indians to engage them in the same interest; and as these sums were advised to be necessary, in like manner it was advised that the Colonys would repay the same within a time limited according the proportion agreed upon at Albany the last year; accordingly you will observe that New York Assembly has granted £174 : 10 : 11, as their just proportion, & as the sum is known I make no doubt but that you will judge it needful to make a grant of your proportion of said £800 strg as this expence finally must be a general charge equally to be defrayed by all the Colonys.

That no part of the Expedition against Crown Point may fail on the part of this Government & that the Regiment destined & rais'd for that service may not be prevented from joyning the army by any unforeseen event, it will be necessary that you make a provisional grant whereby I may be enabled to give orders for the forces to take a different route from what at present is intended, provided it be necessary, & the service requires that the Regiment should joyn the army before they arrive before Crown Point.

As the whole forces are & will be this day on their march to Stevens Town, the place of Rendezvous before they set out for Connecticut River, I hope you will take it under consideration to make a further grant for warlike stores and subsistance, than what is already granted; it appearing to me that the charge arising in setting out & carrying on this Expedition, will be a general expence to all the Colonys, and that upon the adjustment of the accounts, the whole charge will be divided among the Colonys concernd, and a just proportion assign'd to each,—this, Gentlemen, I am of the opinion will be the case, & what then will it avail this Province to withhold any article either of warlike stores or Provisions, since we cannot avoid paying hereafter our proportion to these charges.

It being very probable that when the forces arrive at Stevens town, there may be more men than five hundred, officers included, should this

be the case, which at present I am doubtfull of, I shall be glad to have your final Resolve whether I shall give orders to Coll° Blanchard to discharge the Supernumerarys, or whether they may [be] Employed in the Expedition, or in assisting in transporting the stores to Coos, & discharged there, & so on their return spend some time in scouting on the frontiers, lest the Indians should make a descent on our out settlements, after the forces are marched, which in all probability will be the case.

B. WENTWORTH.

Council chamber in
Portsmouth, June 24, 1755.

Extract from Minutes, &c.

[Copied from MS. Gov^rs Messages, Vol. II. p. 283.]

At a Council held at the Camp at Alexandria in Virginia, April 14th 1755.

Present.

His Excellency Edward Braddock, Esq. General and Commander in chief of his Majesty's forces in North America
The Honble Augustus Kepple, Esq. Commander in chief of his Majestys ships & vessels in North America.
The Honble William Shirley, Esq. [Gov. of Massachusetts,
The Honble Robert Dinwiddie Esq. [Lt. Gov. of Virginia,
The Honble James De Lancey, Esq. [Lt. Gov. of New York,
The Honble Horatio Sharpe, Esq. [Lt. Gov. of Maryland
The Honble Robert Hunter Morris, Esq. [Lt. Gov. of Pennsylvania]

"The members of the Council likewise agreed that it was highly necessary to send some person with full powers from the Genl. to treat with the five Nations of Indians, and to secure them and their allies to the British interest, and that Col. Johnson was the fittest man to be employ'd in that business, and for that purpose that the sum of £800 sterling should be paid into his hands to be laid out by him in such commodities as he should judge most proper for the northern and western Indians, £500 of which should be employed for the five Nations and their allies, and £300 for the western Indians to be given to them at Oswego; and as to the manner of supplying the presents, the several governours agreed that if the general for the sake of dispatch thinks proper to advance the money, the Colonys ought to replace it according to the proportions settled in the plan of Union by the Commissioners at Albany last year, together with all contingent charges attending it, and that it was their opinion that the several Governments would readily consent to do it within the space of three months."

A true copy exam^d pr Matthew Livermore, Clerk &c.

Act of Massachusetts to prevent trading with the French.

[Copied from MS. Gov^rs Messages, Vol. II. p. 285.]

At a Great and General Court or Assembly for his Majestys Province of the Massachusetts Bay in New England begun and held at Boston upon Wednesday the 28th day of May 1755, being convened by his Maj^ty's Writs, anno Regni Regis Georgii Secundi, vicesimo:

An act for the more effectual prevention of supplys of provisions & warlike stores to the French from any Parts of this Province:

Whereas notwithstanding the provision already made by the laws of this government divers evil minded persons have found means to transport Provisions to Louisbourg, either direct from this Province or else from this Province to some parts of Newfoundland and from thence to Louisbourg, by means whereof the present measures now engaged in by his Majesty's Forces for the security of his subjects and for removing the Encroachments made upon his Territorys may be prejudiced and defeated:—

Be it therefore enacted, by the Governor Council and House of Representatives, That no provisions, except cod-fish, nor warlike stores, except so much only as shall be necessary for the ordinary victualling & defence of any vessell during her proposed voyage, shall be exported from any Post or part of this province, untill Bond be first given by the master of such vessell with sufficient suretys in the Penalty of one thousand Pounds sterling to the officer or commissioner of Impost, That all such provisions and warlike stores so laden shall be relanded in some part of this Province or landed in some one of his Majesty's Colonies to the southward of Newfoundland or at Annapolis Royal or Hallifax in Nova Scotia, and that certificate shall be returned within twelve months from the officers of the Customs in the places where they shall be landed, That the whole of such Provisions and warlike stores have been so landed; and if any person shall presume to export Provisions or warlike stores from this Province in a clandestine way and without obtaining a clearance from the Naval officer, every person so offending shall be subject and liable to all the penalty provided by an Act of this Province made and passed this present year, Intitled an act to encourage and facilitate the Removal and prevention of French Encroachments on his Majesty's North American Territorys.

And be it further enacted, That the Naval officer shall give no clearance for any vessell, untill certificate be produc'd from the Commissioner of impost that the master of such vessell has conformed to the Rules prescribed by this Act.

And be it further enacted, That oath shall be made by the master of every vessell clearing out, before the Commissioner of Impost, as to the whole quantity of Provisions and warlike stores laden or intended to be laden on board such vessell.

This Act to continue and be in force untill the twelfth day of September next and no longer.

June 14, 1755. This Bill having been read three several times in the house of Representatives pass^d to be enacted

T. Hubbard, Speaker.

June 14, 1755, This Bill having been read three several times in Council pass'd to be enacted.

J. Willard, Sec^y.

June 14, 1755. By the Governor. I consent to the enacting of this Bill.

W. Shirley.

Copy Exam^d pr. Matthew Livermore, clerk, &c.

Mr. Secretary came into the House and desired y^t the Council might have the minutes of the Commissioners who met at Albany the last year, which were sent up by Capt. Bell.

Estimate of Sundrys to be paid for at the common charge of the several governments engaged in the designed Expedition—Every Province to find their own men wth arms *Provisions & Camp Necessarys*, &c. viz.

[Copied from Prov. Rec. B. I. p. 297.]

400 Battoes, for artillery, to be transported at £6 : 8.	2160	
Waggon hire for transporting Provis[s]	3000	
300 Barrels gun Powder at £10	3000	
15 Tons Cannon Balls, at £20	300	
7 Tons Lead at £35	245	
20,000 Flints, at 10s	10	
Cordage		
10 Carpenters at 6*s*. for 150 dayes	450	
2 smiths at 6*s*	90	
10 setts carpenters tools, at £5	50	
2 setts Blacksmiths tools, at £15	30	
4 c. Iron at 30*s*=£6. 1 C. steel, £5	11	
1 chaldron Sea coal	2	
10 casks Nails at £10	100	
12 bbs pitch & Tarr—at 15*s*	9	
2 bbs Tallow—at 7*d* pr. lb.	12 :	8
12 whip saws, at 40*s*	24	
6 cross-cut saws at 28 *s*.	8 :	8
6 grind stones at 6*s*	1 :	16
1200 wood axes at 6*s*	360.	
50 iron wedges at 4-6	11 :	5
50 rings for Beetles, at 6*s*	3 :	15
To 400 iron shovells, at 2-6	50	
200 spades, at 6*s*	60	
100 pick axes at 5*s*	25	
10 sett masons Tools, as hammers trowells &c. at 10*s*	5	
20 Twine for Lines at — — — — —		
200 Tarpolians, or painted cloths for covering the ammunition & provisions,—at 40*s*	400	
New York money	£10,418 :	12

An Expense for rewarding the Indians upon the service, arms provisions, 3 months for 300 Indians.
Estimate of the train of artillery stores.

Indorsed, = "Estimate for the common charges on the Expedition to Crown Point, 1755."

[P. 3.] Thursday, June 26, 1755.

Voted That the following be sent unto his Excellency as an answer unto his Excellency's message of y[e] 24th inst.

May it please your Excellency—

The House have consider'd your Excellency's message of the twenty fourth Instant and the Papers therewith laid before the House by the Secretary, And in answer thereto beg leave to say, That they look upon it as highly necessary That an act be pass'd by this Government more effectually to prevent the supplying the French with Provisions or warlike stores, which this House are now upon.

That they are of opinion that full Provision is made by the Resolve of [P. 4.] this House at their late Convention to answer the Resolve of the Council held at Alexandria on the fourteenth day of April last, which Resolve (of this house) the house shall ratify and confirm as soon as may be.

That they apprehend that full provision is made by a vote of this house of the thirty first day of May last, to answer that part of Your Excellency's message relating to the forces taking a different route from what seems at present intended.

As to what your Excellency mentions for making a further Grant for warlike stores and subsistance, We cannot see what we can now do in that matter, further than we have already done, which we think will, in the whole be the full proportion of this Province;—as our forces are not at Albany to joyn the forces of the other Governments to assist in making provision for, and in transporting such things to Crown Point, were we now to make a Grant for providing Provisions and stores there they could not be got from thence to Crown Point as the forces necessary for transporting and guarding such stores will in all probability be moved before such things could be got ready: And further we apprehend that the Provisions we have already made for our men with what may be allowed out of the grant made by the Government of Pensilvania or the other Governmts agreeable to the plan which was at first proposed for to raise more than our proportion of men, and they to be supply'd with [p. 5.] Provisions and warlike stores by the other governments, will be sufficient to answer the design; But if there be any want we are and shall be ready to make up the full and just proportion of this Province in the whole to said Expedition. And as to the last paragraph of your Excellency's message, the House think that no more than five hundred men, officers included, ought to be imployed in the present expedition, but if there be any supernumerarys, that they ought to be dismis'd. Sent up by Messrs Wentworth & Stevens.

The extract of the Resolve of the Council at Alexandria and the copy of the Massachusetts Act relating to the trading by the way of Newfound land sent to the Govr by the same Gent.

The House adjourn'd till three of the clock.

P. M.

The Secretary bro't into the House a lettr from Govr Shirley to Govr Wentworth, dated June 23, 1755. The House adjourn'd for the space of ten minutes, by order of the Speaker.

Governor Shirley's Letter.

[Copied from MS. Corr. Vol. II, p. 255.]

Boston, June 23d 1755.

Sir—I am to inform your Excellency that on ye 21st Instant the General Assembly of this Province ordered a Bill to be brought in to lay an Embargo upon all vessels laden with provisions (fish only excepted) or with warlike stores, unless what are necessary for the voyage, for the space of one month, Provided nevertheless that the Governor or Commander in chief for the time being, with the advice of the Council, may permit a supply to be sent to the army and navy with necessary provisions within that time.

They have likewise desired me to write forthwith to the other Governments informing them of this determination of this Governmt and to desire that they would immediately come into the Resolution for three months, in which case this Governmt will continue the like embargo here for three months also. As there is certain advice of a French fleet

being seen the 5th Inst. about 40 Leagues from Louisburgh and there is great Reason to think that the French there as well as at Canada are but Scantily supply'd with Provisions, I doubt not but your Governmt will act in concert with us in this matter.

I am with great Respect
Sir, Your Excellencys most obedient
humble Servant
W. SHIRLEY.

His Excellency Benning Wentworth, Esq.

Copy—Examd by Matthew Livermore, Clerk, &c.

Met according to adjournment.

Additional act against trading with the French having been read three times, Voted that it pass to be enacted. Sent up by Capt. Bell & Deacon Tuck. [Concurred.]

Daniel Warner Esq. came with a verball message from his Excellency and said that he had laid Govr Shirley's declaration of war with the Indians before the Council, and that ye Govr would be glad to know what Provision the House would make to support him in carrying on the war in case he should declare war with them.

The House adjourn'd till tomorrow morning nine of the clock by order of the Speakr.

[P. 6.] Fryday June 27th, 1755.

Voted That the following be sent unto his Excellency as an answer unto his Excellency's verball message of yesterday by Daniel Warner, Esq.

If his Excellency shall think proper to declare War with the Indians, the House shall be ready to come into proper measures to support and carry on the same. Sent by Messrs Knight & Philbrick. Adjourned.

Saturday June 28th 1755.

Whereas a vote pass'd this House the twenty eighth day of May last, desiring his Excellency to cause to be enlisted not exceeding the number of twenty able bodied effective men, officers included, to be placed at the Fort William and Mary not exceeding two months to guard & do such work about the Fort aforesd and Batteries there as should be order'd them by his Excellency the Govr and that the pay of the soldiers besides their subsistance [P. 7.] should be three pounds fifteen shilings new Tenr pr month, to be paid out of the money that is or may be in the Treasury after the muster roll should be allowed of by the Genl. Assembly; and, whereas no Particular Provision is made in said vote how the sd men should be subsisted,

Therefore voted that the Treasurer of this Province be and hereby is directed, authorized & impower'd, if his Excellency shall so order him, to make provision for such men so posted for the time afores[d]. Sent up by Mr. Stevens. [Concurred.]

The House adjourn'd till Monday next three of the clock in the afternoon.

Monday June 30th 1755.

Met—and adjourn'd till

Tuesday, July 1st 1755. 3, oclock, P. M.

Voted, That the following message be sent to his Excellency :—

May it please your Excellency

The House look upon it to be necessary that they should know the state of the Treasury in order to ratify and confirm what was resolved upon by the House at the late convention, and to pass an act for supplying the Treasury to defray the publick debts and charges of the current [p. 8.] year; and have sent to the Treasurer to lay his account before the House for their governm[t] therein; That there is no prospect at present of their being soon laid before them; That the House has no other matters laying before them; That they think it would be best the Gen[l]. Assembly should be adjourn'd for some time if your Excellency has nothing to lay before them.

Sent up by Messrs Wiggin & Hale.

Wednesday July 2[d] 1755. P. M.

The Secretary br'o't into the House a message in writing from his Excellency, also a letter from Lieut Gov[r] Phipps to his Excellency; also a Resolve of the Massachusetts for raising five hundred Recruits for Crown Point expedition.

Governor's Message.

[Copied from MS. Gov[rs] Messages, Vol. II. p. 299.]

Mr. Speaker &
Gentlemen of the Assembly.

The King haveing found it necessary for the protection of his American Dominions to order a strong squadron of his ships of War to sail for America, and to direct the Governors respectively to give the Admirals from time to time an exact & regular intelligence of the motions of the French both by sea & land during their stay in America, I am also directed by his Majesty to employ proper persons & vessels for their service; and upon my apprehensions of being attackt by any of the French King's squadrons, the commanders of his Majestys ships are directed to give me all necessary Assistance for the safety of the Province under my command: I hope therefore, gentlemen, that you will forthwith make the necessary grants for your common safety and Enable me to execute the King's command.

Herewith you will receive an additional grant of five hundred men made by the Mass^{tts}. for the Crown Point expedition; & Lieut Governor Phipp's letter Accompanying the same. I must on this occasion recommend it to you to make a grant of your Quota to be ready on occasion & to retain, as part thereof, the Supernumerarys allready raised for this service, before my orders arrive for dismissing them.

B. Wentworth.

Council Chamber, in
Portsmouth, July (2^{d}) 1755.

Lt. Govr Phipps' letter.

[Copied from MS. Corr. Vol. II. p. 261.]

Boston, June 30, 1755.

Sir—The Genl Court of this Province apprehending it necessary that Provision should be made by the several Colonies engaged in the Expedition to Crown Point for raising recruits for the Army designed thither, in case it should be found necessary, They have accordingly provided for the raising five hundred men, to be ready in such case, expecting that the other Colonies will provide their proportion of such Recruits;—a copy of the vote of our Assembly I have inclosed, and I doubt not but your Excellency will use your best endeavors that some thing of the like nature be done in your Governm^{t}. I do likewise herewith at the desire of Lieut. Govr Lawrence of Nova Scotia, send your Excellency copy of an Extract of a letter from Vice admiral Boscawen.

I am, Sir, Your Excellency's most
obedient humble servant

S. Phipps.

His Excellency Governor Wentworth.
Copy Exam^{d} by Matthew Livermore, Clerk &c.

Vote of Massachusetts to raise 500 men.

[Copied from MS. Corr. Vol. II. p. 257.]

Province of Massachusetts } In the House of Representatives, June 26, 1755.

Resolved, That his Excellency the Capt. General be desir'd to commission proper officers for raising by Enlistment not exceeding five hundred men to march to Crown Point to reinforce the army destin'd there, if upon advice from the army had in the Recess of this Court, it shall be adjudged by the commander in chief for the time being, with the advice of the Council that it be necessary the army should be so reinforced: That each man be paid a dollar upon his enlistment, and in case of their being actually engaged in the service, that they be allow'd the same bounty including the dollar mention'd, pay and subsistance as the forces already destined there have, they finding their own good and sufficient fire arms.

The pay and subsistance to commence from the time of their marching and that they be discharged as soon as the place is reduced or the nature of the case will admit of, or not exceeding the time the other forces are inlisted for. That the inlisting officer be allow'd half a dollar for each man so inlisted and that his Excellency the Governor be desired to inform the other Governm^{ts} of this Resolve.

Sent up for concurrence,

T. Hubbard, spk^{r}.

In Council June 26th 1755. Read & concurr'd

J. Willard, Sec^{y}.

Consented to W. Shirley.

Copy exam^{d} by Matthew Livermore, clk, &c.

Letter from Admiral Boscawen.

[Copied from MS. Corr. Vol. II. p. 243.]

SIR

This accompanys a letter from Sir Thomas Robinson, one of his Majesty's Principal Secretary's of State, which will perfectly inform you with the nature of my orders, and the reason for ordering me with a squadron of his Maj'tys ships under my command, on this coast.

I have for the present fix't my cruising station off Cape Breton, but shall always keep a small cruiser at Halifax in Nova Scotia, ready to sail upon any intelligence you may have to communicate to me, and flatter myself your zeal for his Maj'tys service will prompt you to give me the most early information of the transactions of the French either by sea or land, and beg leave to assure you that I shall be very ready to give the Collony wherein you command, all the assistance in my power.

I am, Sir, your most obedient, humbl servant,

Torbay, off Cape Breton, ED. BOSCAWEN.

17 June, 1755

Copy Examd by Matthew Livermore, Clk.

Extract of a Letter from Admiral Boscawen to Lieut. Governor Lawrence, of Nova Scotia.

[Copied from Prov. Rec. B. I. p. 298.]

Torbay, 17th June 1755, off Cape Breton.

SIR—

Herewith I send you a Letter from Sir Thomas Robinson, as also three other Letters from Sir Thomas Robinson to the Governors of the Province of the Massachusetts Bay, New Hampshire & Connecticut, which I desire you will dispatch to the Governors as directed, as soon as possible, & that you will acquaint them all the French have sent into these parts, a strong Detachment of Troops consisting of six Battalions of Old Troops under the convoy of three large Men of War and some Frigates. In pursuance of his Majesty's Instructions to me, *I have seized one Man of War of sixty-ty four, the Alcide, and the Lis pierced for seventy four Guns, her tower Battery not mounted, having on board Eight Companies of Foot, several Engineers, and the military chest a part of it.* Monsr: de Bostange who was to have commanded the Troops in the second Post, was killed on board the Alcide.

Copy Examd pr. Thos. Clarke, Depy Secy.

Voted That Henry Sherburne, jun. Peter Gilman and Thomas Bell, Esqs. be a Committee of this house, to joyn with such as may be appointed by the Honble the Council, to examine & settle the Treasurer's Accts. And make report thereof to the Genl Assembly, as soon as may be. Sent up by Capt. Gilman.

[p. 9.] The House adjourn'd till tomorrow morning nine o'clock.

Thursday, July 3d, 1755.

Voted That the following be sent unto his Excellency as an answer unto his Excellency's message to the House the second inst.

May it please your Excellency—

The House have considered of your Excellency's message sent to the house yesterday, the letter from Lieut. Govr Phips to your Excy, and the Resolve of the Province of the Massa Bay of ye 26 of June last, laid before the House by your Excy, with said message—and do gratefully acknowledge his Majesty's most gracious care and regard for his north American Plantations, and ordering a number of his ships of war for their protection and defence, and beg leave to assure your Excellency that we shall be ready on any emergency to testify our Zeal for his Majesty's service in doing every thing that may appear to be for his Majesty's honour & the safety and protection of his most dutiful subjects of this Province as also of his other Governmts.

And as to raising any Quota of men for a reinforcement or retaining any supernumerarys already rais'd, we cannot at present see our way clear to do it, Especially, unless there was some further prospect than at present appears, that the forces already rais'd in this Province for Crown Point, will join the forces rais'd by the other Governmts at the place of general Rendezvous to be assisting in carrying on the common cause according to what might be expected, agreeable to the plan at first laid and which was the firm expectation of this house when they voted the men. [p. 10.] It is the disposition of this house to exert themselves at this critical conjuncture beyond, rather than to fall short of their proportion to the common cause. But the present apprehension we have that the forces rais'd by this Governmt by reason of the Route as we understand they are now taking, namely, by the way of Coos, will not be able, seasonably to joyn the forces of the other governmts at the place of Genl Rendezvous to bear the part that is expected of them in carrying on the intended expedition, (their not doing of which may be prejudicial to the common cause & a dishonour to this Province) is a damp to our further proceeding. Sent up by Deacon Philbrick.

The House adjourn'd till three of the clock

P. M.

Joseph Newmarch, Esq. bro't into the House a message from his Excellency with Mr. John Sherburne's acct of storage for powder and a memorial of Messrs Kneeland and Russell.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. II. p. 297.]

Mr. Speaker &
Gentlemen of the Assembly.

I am apprehensive that the allowance made by the House & concurred by his Majesty's Council, on the account of Mr. John Sherburne for storage of powder, was not duly considered, especially when I consider that the grant of allowance for a small part of a store, is near, if not equal to the grant you made the owners of the house for annual rent I resided in for several years, & which they were constrain'd to take, if any thing, & as every branch of the Legislature ought to be govern'd by one invariable rule of Justice I must dispense with my duty to the public, should I consent to the grant as it now stands. I think it therefore necessary for the public service to send down the sd account & vote of allowance for your

further consideration, & assure you that I shall readily consent to any grant for that service that appears to me within the bounds of moderation.

B. WENTWORTH.

Council Camber in
Portsmouth, July 3d 1755.

Daniel Warner Esq. came with a verball message from his Excellency and said that a Declaration of War with the Indians had been read at the Council Board, and that it was about to be pro- [p. 11.] claim'd at the Parade, and that his Excellency desired to know how and in what manner it might be supported & maintain'd. Adjournd.

Fryday, July 4th 1755. P. M.

Whereas the committee appointed to get the sum of thirty thousand Pounds for carrying on the Expedition to Crown Point, impressed, stand in need of a sum of sterling money (more than they have already had) to defray the charge thereof which cannot be defrayed by said Bills—Therefore Voted that the Committee who have already been improved for drawing Bills on John Thomlinson, Esq. agent for this Province at the Court of Great Britain, shall be and hereby are impowered to draw Upon him for the sum of thirty pounds sterling, to be paid out of the interest of the money in his hands belonging unto this governmt, in favour of the said Committee appointed to get the said Bills impressed, to be improved towards the defraying the said charge, the said Committee to be accountable to the General Assembly for the same—And that the sum of ninety seven pounds ten shillings of said Bills shall be put into the Treasury and improved for the exchanging [p. 12.] the like sum of the Bills of Credit emitted by this Governmt for carrying on the intended Expedition against Canada, which shall be burnt to ashes in the face of the General Assembly in order to sink so much of the said Canada Bills. Sent up by Capt. Gilman. [Concurred.]

The house adjourn'd till to-morrow morning nine o'clock.

Saturday, July 5th 1755.

The Act for taxing of Bow(1) read a third time, and voted that it pass to be enacted. Sent up by Mr. Gidding.

Whereas the Indians of the Norridgewock Anesaguntacook, Weweenock & St. Johns Tribes and the Indians of the other Tribes now or late inhabitants in the eastern or northern parts of

(1) This Act was designed to affect the inhabitants of Rumford—now Concord—which was comprehended in Bow. See *Bouton's History of Concord*, pp. 205-220.—ED.

his Majesty's territorys of New England, and in alliance & confederacy with the above recited tribes (the Penobscots excepted) are by this governm^{t} declared to be Enemys, rebells & traiters to his most sacred Majesty, and all his Maj^{tys} subjects of this Province are required to embrace all opportunitys of pursuing, captivating, killing and destroying all and every of the afores^{d} Indians, (the Penobscots excepted)—

Therefore Voted that if any person or persons living within and belonging unto this Province, (except such as are in the pay of this governm^{t}) shall kill any of the said Indians—the Penobscots excepted—& produce the scalp or scalps of such Indian or In- [P. 13.] dians being kill'd, before the Govr and Council in evidence of such Indian or Indians being kill'd shall for every Indian so kill'd be entitled unto and receive the sum of two hundred and fifty pounds new Ten^{r} out of the money that is or may be in the Treasury as a reward therefor. And that if any person or persons as afores^{d} shall take any such Indian or Indians prisoner or prisoners and bring him here or them to Portsmouth before the Govr and Council in evidence thereof, such person or persons shall be entitled unto & receive out of the money that is or may be in the treasury, the sum of three hundred pounds new ten^{r} as a reward therefor. Sent up by Mr. Hale. [Concurred.]

The Secretary came into the House and s^{d} he was directed by his Excellency to prorogue the Genl Assembly till Tuesday the 29th day of July Inst. and accordingly in his Majesty's name prorogu'd the same.

Tuesday July 29th 1755, P. M.

The Secretary came into the House and said that his Excellency had been taken suddenly ill, otherwise he should have prepared something to lay before the House: He also said he had a letter from Coll. Hinsdale to his Excellency to lay before the House, which [P.14.] the house might consider of, and do what they should think proper with respect to the frontiers: also that he had sundry letters relating to the Ohio, to lay before the House and that as soon as his Excellency's health would admit of it, he should attend the business of the House, and in the mean time he wou'd have the House proceed upon the settlem^{t} of the Treasurer's acc^{ts}.

The House adjourn'd till tomorrow morning nine of the clock by order of the Speak^{r}.

Letter from Col. Hinsdale.

[Copied from MS. Corr. Vol. II. p. 283.]

Deerfield, July 22d 1755.

May it please your Excellency

I this instant Received an Express from my wife at Hinsdale's fort, informing that about nine of ye clock this morning a party of Indians attack'd 7 men within one hundred rod of the Fort, who were out on their own notion of getting a few Posts to compleat the new Picketing of the Fort: they had 4 on the guard & 3 with the team, had drawn but one stick before the enemy fired upon them, and having got between them and the Fort endeavored to prevent their getting to the Fort: 4 of the men were soldiers & 3 Inhabitants, one soldier, viz. Heath and one inhabitant viz. Amasa Wright, escaped to the Fort—the soldiers that are missing are, Coulbee, Hardway(1) & Quimby. The inhabitants missing are two, we hope some may be hid and come in, but one of the soldiers say, he saw the Indians take off two or three, as he stood in the Box of the Fort. Last week Majr Bellows going from my Fort with stores under a guard found ye enemy had lately burnt an House and furniture about six miles above West River.

May it please your Excellency

I have heretofore signify'd to your Excellency that West River is the common road of the enemy from Crown Point; our going to Crown Point is fully known at Canada, I having letters by me that came from Canada the 7 of June. Nevertheless it seems not to affect the Indians; they choose not to be confined to army or garrisons. We are in the utmost distress in this part of your Excellencys province and if we have not further protection we cannot continue here. The whole of these frontiers must fall as an easy prey into the hand of our Enemy, did they know our weakness—there was 7 soldiers allowed to my Garrison, now remains but 4, none other in the town. I entreat your Excellency's compassionate Regard for myself & the People in these parts, and earnestly pray your Excellency will send us a suitable protection or let us know that we can have none, for we are loath to tarry here merely to be kill'd.

Your Excellency's commands in these regards would much oblige your most dutiful & most obedt servt.

EBENEZER HINSDALE.

P. S. I am informed that a motion has been made in the Province of the Massachusetts Bay to send to Connecticut for their assistance; as we are a covert to both Provinces. I cannot see why they should not be willing to assist New Hampshire if apply'd to, as they frequently do the Massachusetts. If your Excellency should be pleased to send any commands to me I expect to be at my fort next week, having recovered my health so as to ride abroad daily.

These from your dutiful, servt as above

Ebenr Hinsdale.

P. S. Mr. Hardway was found dead upon the spot with both his Breasts cut off and his heart laid open. One of the inhabitants was found within sixty rods of the fort both scalp'd. We see Colby taken off by the Indians. We fired several larums and the great Guns were shot at Fort Dummer. Thirty men from Northfield came to our assistance and help't to bury the dead. They follow'd the Indians and found Colby's track who was bare-foot. They found no blood, which gives us reason to hope Colby is well. The rest is escaped to the Fort. The Post being gone to Majr Bellows before the return from Deerfield, I have thought fit to send

(1) Dr. Belknap, in his history, has this name "*Hardiclay*."—ED.

by Mr. Wells. Mr. Hinsdale wrote to his excellency the 28 of June of the mischief that was done upon the other side of the River, one man kill'd, three women, eleven children captivated, the Indians burnt two buildings.(1)

I am your most obedient, humble servt,

ABIGAIL HINSDALE.

To Govr Wentworth.

A true copy Examd pr. Matthew Livermore, Clk. &c.

On the outside of the original letter,
To his Excelly Benning Wentworth, Esq. Capt. Genl. & commander in chief in and over his Majesty's Province of New Hampshire.

Letters relating to the defeat & death of Gen. Braddock.(2)

[Copied from MS. Corr. Vol. II. pp. 263–278.]

SIR—

I have this moment received the most melancholy news of the defeat of our Troops, the Genl killed & numbers of our officers our whole artillery taken. In short the acct I have recd is so very bad, that as please God, I intend to make a stand here. Its highly necessary to raise the militia every where to defend the frontiers.

Your humble servt

JAMES JENNESS.

Fort Cumberland(3), 11th July 1755.
To all whom it may concern.
Copy—Attest. Thos Clarke, Depy Secy.

[MS. Corr. Vol. II, p. 271.]

Philadelphia 18 July, 1755
3 o'clock, P. M.

SIR—

We have in the absence of Govr Morris who is over Susquehanna, receiv'd the melancholy news of the defeat of Genl. Braddock. It is contain'd in a small Bit of paper dispatched from Col. Jenness from Fort Cumberland, at Wells Creek, and was forwarded by Govr Sharpe. It speaks for itself and needs no comment, and you will no doubt communicate it to the Generals and Admirals and Governors on the continent with all possible Expedition.

Your Honor's most obt. humbl servt

RICHARD PETERS, Clk. of the Council.

It is not an hour since the news arriv'd and no other particulars are come to the knowledge of the Council.

Govr De Lancey.

Copy attest. Thos Clarke Depy Sec.

(1) See *Farm. Belk.* p. 315, note.—ED.

(2) The details of the defeat of Gen. Braddock 1755, are found in all the general histories of that period. Agreeably to the plans of military operations agreed upon by the Convention of Colonial Governors at Albany, 1754, three expeditions were set on foot. The first was an attack on Fort DuQuesne, situated at the confluence of the Alleghany and Monongahela rivers, where the city of Pittsburg, Pa. now stands, to be conducted by Maj. Gen. Braddock; the second, against Fort Niagara, to be led by Gen. Shirley who was Governor of Massachusetts; the third against Crown Point, to be executed by militia from the Northern Colonies, under command of Gen. Wm. Johnson.

(3) Fort Cumberland, above mentioned, was situated near the source of the Potowmack river, at that time the most western post held by the English in Virginia. There was another Fort called by the same name, at the head of the Bay of Fundy in Nova Scotia.—ED.

[MS. Corr. Vol. II, p. 275.]

Sir— Philadelphia 19 July 1755.

Since mine of yesterday we have recd Accts that the defeat is not general, that the army was in two divisions, in the first of which march'd the Genl. having with him 1300 men, 4 howitzers, 4 twelve pounders, 13 artillery wagons: the second was commanded by Colo Dunbar and had not marched further than two miles west of the great Meadows distant from Fort Duquesne 60 miles, having with him the heavy Baggage, ordnance stores, the provisions and the greatest part of the waggons. The Genl was advanced within five miles of Fort Duquesne, and marching in a narrow way on ye 8th or 9th Inst. when he was attacked by a large number of French & Indians and beat but not kill'd as was said, and was making a fine Retreat to Colo Dunbar's part of the army. The first accounts were given by some frightened waggoners, but the latest is from Captain Trent to our Govr. in a letter of the 16th instant, from the mouth of Conegochege on the Potomac distant from Fort Cumberland, which is copied and sent herewith, and I believe may be best depended upon, as the man who gave him the Intelligence heard at the Fort what the express from ye army said, and reported it to Capt. Trent. I shall add that all accts are hither to confus'd and appear to be uncertain, so that we have reason to think matters will not turn out so bad as they have been represented.

From your Honours most obedt servt

RICHARD PETERS

Govr De Lancey

Copy Examd by Matthew Livermore, Clerk, &c.

[MS. Corr. Vol. II. p. 281.]

Boston, 23d July 1755.

SIR—

I inclose you Copys of sundry letters & papers I just recd by express from New York by which it appears but too probable that the forces under Genl Braddock have met with a total defeat, and it is very much to be fear'd that the Genl himself has lost his own life in the engagemt(1). What effect this may have upon the measures now taking at Nova Scotia or by his Majesty's ships in those seas I cannot say; But I doubt not but upon this occasion we shall all exert ourselves in our several stations & capacity to prevent as much as possible the ill effects of this unhappy overthrow and assert his Majesty's Rights on this Continent

I am with great respect, Sir, your Excys

most obdt. humbl servt

S. PHIPS.

His Excy Benning Wentworth, Esq.

Copy Examd by Matthew Livermore, Clerk &c.

(1) When the particulars of this disastrous defeat were ascertained, it appeared that General Braddock disregarded the cautions that were given him respecting ambuscades of the enemy, and heedless of danger, marched on at the head of 1,200 men selected from the different corps, with ten pieces of cannon. In an open wood, thick set with grass, his front was attacked by an unseen enemy. The van was thrown into confusion, and fell back on the main body. The General, under an incessant and galling fire, made every possible exertion to form his broken troops on the very ground where they were first attacked; but his efforts were fruitless. Every officer on horseback, excepting Colonel Washington, who was Aid-de-Camp to the Commander-in-Chief, was either kill'd or wounded. After an action of three hours, General Braddock, under whom three horses had been killed, received a mortal wound, and his troops fled in extreme dismay. The provincials, who were among the last to leave the field, formed after the action by the prudent valour of Washington, and covered the retreat of the regulars. Of eighty-five officers, sixty-four were killed and wounded, and about half of the privates.—See Holmes' Ann. Vol. II. p. 62-3.—ED.

[P. 15.] The Secretary bro't into the House a written message from his Excellency. The house adjournd till tomorrow morning nine of the clock, by order of the speaker.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 305.]

Gentlemen of the
Council & Assembly—

The busy season of the year requiring your attendance on your private affairs I am hoping to meet you more intent on giving despatch to the public, which will be very grateful to me.

And that as little time might be lost as possible, the Secretary was prepared to lay before the members of both Houses what papers & letters I had relative to General Braddock's defeat; also Coll^o Blanchard's & Coll^o Hinsdale's letters, that you might without loss of time take the several matters under your consideration, & be the more prepared to act upon them.

Gentlemen of the Assembly

I think it my duty to his Majesty as well as my indispensable obligation to the people inhabiting the exposed frontiers, to press you in the most importunate terms to make a suitable & proper provision for their defence & protection; you are so well acquainted with their distress, that anxiety they undergo in their exposed state, & the great danger there will be, upon the first mischief, of looseing a great number of Inhabitants, who will without your help, breake up a great many flourishing towns that soon would be useful & serviceable to the Government; and being thus drove from their habitations, on which with industry they could support life, whole familys will be reduced to the utmost distresses, & the frontiers enlarged and brought nearer the old settlements.

It always has been the wisdom and policy of all nations to seek after an increase of inhabitants & at this critical conjuncture, it ought to be the wisdom & pursuit of this Governm^t, to concert measures at least to preserve the inhabitants by granting the protection they stand in need of.

I am in full expectation that Coll. Blanchards regiment will encamp on Hudson river by Sunday next. I must therefore desire that you will not fail of fully impowering the Com^tee (if that power is wanting) to furnish every thing that may be further needfull for the Expedition, that no defeat may happen for want thereof.

B. Wentworth.

Council Chamber in
Portsmouth, July 20, 1755.

Letter from Col. Blanchard.

[Copied from MS. Gov^rs message. Vol. II. p. 307.]

May it please your Excy.

I left Stevenstown block-house Wednesday night last, Bro't all the stores excepting a supply for ab^t forty men, all the utensils, teams, canoes &c. excepting some few of the utensils pilferd by Bowen, I suppose. (1) Y^e letter by Mr. Emery I did not receive till Saturday night, he lost almost a day in his return for want of a guard. I had ordered one at Contoocook and at Penny cook which he did not find in season, on his arrival the troops were up the River almost at the upper carrying place

(1) See *Potters Mil. Hist.* Adg. Gen. Report, Vol. II. 1866, pp. 144-153.—Ed.

on Pemichewasset River. I sent a scout in ten minutes on horse back, who traviled all night, ab^{t} day light reached the uppermost Camps, by 12 o'clock on Sunday they got to me, part was near fifteen miles off. Coll. Willard and I spent the day in dealing out to the men Provision for 12 days. On Monday morning they in two divisions, two companies at a time began to march. Tuesday afternoon the last got off with orders to march directly to Charlestown, and from thence to Fort Dummer, where I intend to meet them the fore part of next week. Col^{o} Willard is there by this time. I reserved only men enough to come down with the loaden canoes and to drive the teams (that was able to travil) the sick I got to Canterbury, Contoocook and Pennycook. Those who were on the Recovery I left and sent to Stevenstown under the care of Mr. Webster, to whom the Commissary deliverd the remain^{g} stores. I have discovered nothing of the Indians in that quarter. Tomorrow I shall write y^{r} Exc^{y} a more particular acc^{t}, but as Wells, the bearer of this called and in great haste, I just minute these generals with acknowledgm^{t} of the credit I rec^{d} for five hundred sterling at Albany. But no orders for receiving our part of the Philadelphea provisions, I am in hopes about Tuesday to be at Albany and not much longer before the men are there, if my health continues, I shall under all disadvantages (if the Committee does not further hinder me) joyn Col. Johnson in season. As I intend more fully to write tomorrow & now much worried, beg leave to salute y^{r} Exc^{y} with assurance of my diligence, & that I am y^{r} Exc^{ys} most dutiful & most humb^{l} serv^{t} at command.

J. Blanchand.

July 25th, 1755.
His Exc^{y} B. Wentworth Esq. Govr. &c.
A true Copy, Exam^{d} by Matthew Livermore, Clerk, &c.

Governor Wentworth's Order on Gen. Johnson for Provisions.

[Copied from MS. Corr. Vol. II, p. 289.]

Province of
New Hampshire }

To the Honble William Johnson, Esq. Major General & Commander in chief of his Majesty's forces raisd for the Crown Point Expedition, & all others whom it may concern :

You are hereby desired to deliver to the Honble Joseph Blanchard, Coll. of the Regiment raised within this Province for said Expedition the Quota of Provisions & other stores assigned as a proportion for this Province, or to his order, or the Commissary duly and regularly commissioned for said regiment or his order, for the use of said Regiment, arising from the grant made by the Government of Pensilvania for the Eastern governments that furnish men for said Expedition, exclusive of New York Government.

B. Wentworth.

Given at Portsmouth, July 31st, 1755,
By his Excellenc'y command with advice of Council.
Theodore Atkinson. Sec^{y}.

Thursday July 31st 1755.

The sundry letters bro't into the House by the Secretary ye 29th inst. Sent back by Esq. Macmurphy. Adjourned till three of the clock,

P. M.

Whereas by a letter from Messrs Peter Bours and Edward Scott from Newport in Rhode Island Governm^{t}, information is given to this House that one Benjamin Wines is in goal there for passing within that Governm^{t} counterfeit Bills of public Credit on this Province, one of which is a six shilling Bill new Ten^{r} said to [P. 16.] be sign'd by Messrs Clement March, Richard Wibird and Samuel Solly, which Samuel Solly it is probable is now in England: and whereas it is necessary for the conviction of the said Benjamin that some one of the signers should be present at the tryal which it seems is to be had at a Court to begin at Newport afores^{d} on the last Tuesday of August next,

Therefore Voted, That either the said Richard Wibird or Clem^{t} March go to Newport afores^{d} by the said last Tuesday of August next to give evidence relating to the premises, And that the allowance to him that shall go upon the afores^{d} Business shall be fifty shillings new Ten^{r} for each day he shall be upon the said Business in full; and that he receive money out of the Treasury therefor, and y^{t} he be accountable to the Genl Assembly for what moneys he shall receive—and further Voted, That the Secretary furnish the gentleman who shall go upon the said business with such copy or copys of the Acts of this Province for the emission of Bills of public credit at the charge of this Province, as may be judged necessary. Sent up by Maj^{r} Davis. [Concurred.]

Daniel Warner & Joseph Newmarch, Esqs. came with a verball [P. 17.] message from his Excellency and the Council and said they tho't it necessary that the Commissary should be supplied with money to purchase provisions on Connecticut River for the use of the forces rais'd by this Governm^{t} for the Expedition to Crown Point, where our money would not answer for the same.

The House adjourn'd till tomorrow morning nine o'clock.

Fryday, August 1st 1755. P. M.

The speaker being absent the House made choice of Henry Sherburn jun^{r}. Esq. to be speaker pro tempore.

The Secretary came into the House and said his Excellency said, If the House were about to make any grant of men for the Protection of the Frontiers, that he was willing that any stores left, provided for the expedition to Crown Point, should be made use of for the said men, as there would not be any further use of them for ye forces rais'd for Crown Point.

Daniel Warner Esq. bro't into the House a written message from his Excellency relating to the Sup^{r} Court.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, p. 311.]

Mr. Speaker &
Gentlemen of the Assembly—

On the 5th Instant the Superiour Court of Judicature sits by Act of governm^t & I must inform you that the Chief Justice & other Justices of this Court as the Commission now stands, have refused to sit any longer without a reasonable salary for their trouble and expense of time.

I am therefore hopeing as this is a Provincial concern & of great consequence to his Majesty's subjects, that you will Instantly take this matter under consideration. The honour and interest of the government is greatly concerned on supporting the reputation of this Court, & I make no doubt but you will act consistantly herein; any failure on your part will be esteemed & prove injurious, I am apprehensive to the Public.

B. WENTWORTH.

Council Chamber in
Portsmouth 1st Aug^st 1755.

Whereas a doubt has arisen whether the Bills of Credit on this Province emitted for the Crown Point Expedition will answer in the treasury for the payment of the public Taxes,—

Resolved, that it was the true intent & meaning of this House [p. 18.] when they passed the act for emitting the Bills of credit for carrying on the said expedition, that the s^d Bills should be receiv'd in the Treasury for the payment of any public Taxes, and the Treasurer is hereby directed to act agreeable hereto.

Sent up by Mr. Hale.

Voted, That his Excellency be desired to cause to be enlisted or impressed not exceeding the number of seventy able bodied effective men to be employed in scouting or garrisoning as his Excellency shall order and direct for the protection and defence of the frontiers, untill the twentyeth day of September next, if necessary thirty of them to be employed on Connecticut River, and forty of them on & to the Eastward of Merrimack River, and that the wages of the private men be three Pounds seven shillings and six pence pr month: That Sargeants pay be four pounds new Ten^r pr month, and if any person shall have the Comand of more than twenty men his wages shall be four pounds ten shillings new Tenor pr month, to be paid out of the money that is or may be in the Treasury when the muster Rolls shall be made up and allowed of by the Genl Assembly—That as there is a quantity of Pork and Bread belonging unto this Governm^t now at Stevenstown so called, and at Contoocook,

Voted That the Committee of War for the Crown Point expedition deliver so much thereof unto his Excellency's order for the use of the said men as shall be necessary and if there shall be any want that the Treasurer be and hereby is directed to purchase and provide so much as shall be sufficient.

[p. 19.] That the allowance for each man for powder Bullets and Flints shall be six shillings new Ten^r pr month; That such of

them employed on Connecticut River as shall be billeted shall be allowed one shilling and six pence new Ten^{r} pr day; That for a fund for defreying the charge thereof, Voted That the Committee already used and improved for drawing Bills [on] John Thomlinson Esq. agent for this Province at the Court of Great Britain, draw a Bill or Bills on him for the sum of three hundred Pounds sterling money of Great Britain of the interest of the money in his hands belonging unto this Governm^{t} and if not sufficient Interest in his hands then of the Principal of the money in his hands belonging unto this Governm^{t}, and dispose thereof for the most they will fetch in Bills of Credit on this Province and put the same in the Treasury for the ends aforesaid taking his receipt for the same, and that if there remain any overplus in the Treasury, it shall be disposed of as the Genl Assembly shall order, and that an act be drawn for calling in in the year 1760 the sum of nine hundred and seventy five pounds Bills of Publick Credit of this Province emitted for carrying on the intended Expedition agst Canada to be put into the Treasury in order to be burnt, to sink so much of the said Bills of Credit emitted for the carrying on the said expedition against Canada. Sent up by Messrs Tuck & Wiggin. [Concurred]

[P. 20.] Whereas this House is informed that the Regiment raisd in this Province for the Crown Point expedition have left a considerable quantity of Provisions & other stores at Stevenstown & Contoocook, also some cattle and that a large number of oxen that were purchased for the use of said expedition are sent back to Exeter,

Voted That the Committee of War take the best care they can to secure the same for the benefit of the Province & they be & hereby are impowered to dispose of such part thereof as they shall judge proper for the use of the Governm^{t}, except the Bread Pork & ammunition, that they cause the stores at said Stevenstown to be transported to Contoocook where they may be better secured and taken care of than they can be at Stevenstown. That the Bread pork and ammunition be put under the care of a Commissary to be deliverd out to the forces that may be impressd in scouting and guarding the Frontiers. That Capt. Stephen Gerrish of Contoocook be the commissary and that he be accountable to the Genl Assembly for what he shall receive of s^{d} stores.

Sent up by Messrs Philbrick & Knight. [Concurred.]

Answer of the House to the Gov^{rs} Message.

May it please your Excellency—

[P. 21.] In answer to your Excellencys message of this afternoon the House beg leave to say that the matter therein recommended has been debated & settled in a full house, and there being now but a thin house, the house thinks it would be contrary to rule to act thereon.

Voted, That the foregoing be sent unto his Excellency as an answer unto his Excellencys message of this afternoon. Sent up by Esq. Jenness.

The House adjournd till tomorrow morning nine of the clock.

Saturday Augst 2^{d}, 1755.

Met according to adjournm^{t}. The Acc^{t} of Messrs Newmarch & March amounting to the sum of four hundred & seventy four Pounds nineteen shillings and seven pence old Ten^{r} Mass^{a} money the balance in favour of ye Province being fifteen pounds and five pence old Ten^{r} be carry'd to the credit of their New Hamp^{r} money acc^{t}. Sent up by Esq. Macmurphy.

Voted That the acc^{t} of the impressing Com^{tee} amounting to the sum of one hundred and sixty four pounds eleven shillings and two pence one farthing new Ten^{r} to ballance be allowed and paid out of ye money in the Treasury for the Crown Point Expedition. Sent up by Esq. Macmurphy. [Concurred.]

Clement March Esq. one of the Com^{tee} for impressing the £30,000 [p. 22.] bringing the plates into the House and desiring to be directed what he should do with them, Ordered That the said plates be put into the Province Box and as Mr. Speaker Weare who has one of the Keys is not in town, that they be delivered unto the Secretary for that end. Sent up by Maj^{r} Davis. [Concurred.]

The Secretary came into the House and said that he was directed by his Excellency to adjourn the Genl. Assembly untill Tuesday the second day of September next, and accordingly in his Majesty's name adjournd the same.

Tuesday Sept. 2^{d} 1755.

A number of the House met but not sufficient to make a House nor the Speaker. [Adjourned till 3—

P. M.

The house ordered the absent members be sent for.

The Secretary brought into the House Sundry papers from his Excellency the Govr with a message from his Excellency. [to wit.]

[Copied from MS. Gov^{rs}. Messages, Vol. II, p. 317.]

Gentlemen of the Council
& of the Assembly—

With this message you will have laid before you Major General Johnson's letter to me from the great carrying place on Hudson's river, and the result of a Council of war held there by the general & other officers then present, on the further proceeding of the army to Crown Point, &

as it appears to be the unanimous opinion of the Council of War that a further reinforcement of men, from the several Governments interested in the reduction of Crown Point, is necessary, I must hope you will meditate no delay, on the importance of this service, especially since there can be no time lost: By Lieut. Governor Phipps letter you will be informed what the other governments have done towards augmenting their forces which you will likewise herewith receive.

As the fate of North America seems greatly to depend on our success in the reduction of Crown Point Fort, I am hopeing you will exert yourselves on this critical occasion & do every thing within the compass of your power to effect it.

B. WENTWORTH.

Council Chamber in
Portsmouth, September the 2d 1755.

Letter from Maj. Gen. Johnson.

[Copied from MS. Govrs messages, Vol. II. p. 319.]

Camp at the Great Carrying Place 24th of August 1755.

SIR—

Herewith I inclose your excellency the minutes of a Council of War which I called and at which were present all the Field officers in Camp. I Refer you thereto for Particulars.

That we have many natural obstacles to expect, that the French may of themselves out number us, That they will take post and fortify themselves in some advantageous Place on this side of Crown Point, probably at Ticonderoga. That they will greatly out number us in Indians, and that by the Cognawagas engaging in their favour, our Indians will in General be less willing to take part with us as they are very many of them related to the Cognawagas, and have mothers, sisters, Brothers &c. among them, and that some of our Indians will upon that acct actually Decline engaging. I say that I incline to these opinions and therefore do agree with the Council of War in thinking that all present Circumstances collected, very strong and speedy Reinforcements are necessary to obtain the acquisition of Crown Point.

The Road is now making from this place to Lake St. Sacrament where I purpose to build magazines and raise a Defensible Fortification either as a safe retreat in case we should find the enemy too strong for our Force and be obliged to quit our ground, or upon well grounded intelligence find it the most prudent measure to halt there till we Receive Reinforcement.

As I think the troops under my command both officers & men seem to be animated with becoming Resolution and Courage, I hope they will approve themselves in all Respects worthy of the confidence which their Country hath Reposed in them and I shall endeavor to the utmost of my abilities to fullfil the Duties of that station in which I am placed. If we should not be so happy as to gratify the expectation of all, I hope we shall not deserve the reproch of any, under the conduct of the Greatest human abilities, success is ever precarious & determined by that power which no mortall hand can resist. We are engaged in a Rightious and a glorious cause and as far as courage ought to cary men I hope it will cary us.

I hope the Governments in Generall and yours in Particular will consider the naked state of their People, who in the approaching season will stand in need of some warm cloathes and Bedding, surely they Deserve this consideration and relief, and I think it would be an affront to the humanity and Generosity of your Colony if they needed any arguments to stimulate them on this occasion.

I Purpose to march tomorrow or next day with the first Division of about Fifteen Hundred men and some Indians and a few field Pieces for Lake Sacrament and to order the remainder of the Troops to follow as soon as Possible with the Heavy Artillery and Baggage.

I am sir—

Your Excellencys most obedient Humble servant.

WILL^m JOHNSON.

His Excellency Governor Wentworth.

Colonel Blanchard sent me Your Excellencys order to me Respecting your Colonys Proportion of the Pensalvania Provisions when Govr Shirley was at Albany he took the management of that affair within himself how they were disposed of and everything relating to them, I am a stranger to, but as you will see by the minutes of the Council of War that these troops are to be provided out of the Common Stock I have ordered Coll Blanchard to Joyn us and Hope he will be here in a Day or two in the meanwhile you will settle the other affair by the advicess you Receive from Coll Blanchard and your Province take the necessary steps for supporting their troops.

Minutes of Council of War.

[Copied from MS. Gov^rs messages, Vol. II. p. 323.]

Camp at Grate Carring Place
22 August 1755.

P. M.

At a Council of war Held by the Honble Major General Johnson Commander in Chiefe of the Provincial Troops Raised on the present expedition against Crown Point.

Present General Johnson, Major General Lyman, Coll^o Tim^o Ruggles, Coll^o Moses Titcomb, Coll^o Eph. Williams, Coll^o Elij^r Goodrich, Coll^o Willm Cockeraft, Lt Coll^o Bagly, Lt Coll^o Pomroy Lt Col^o Whiting Lt Col^o Cole Major White Major Nichols Major Ashley, Major Hoare, Major Dennison Major Treat, Major Fitch, Capt. Eyre Chiefe engineer and Quarter master General, Capt. Peter Wraxall Secretary.

Article 1. The General Directed the Secretary to Read to this Council of War a letter he Received Last night from Coll^o Blanchard of the New Hampshire Regiment with the Letters & papers therein Referred to & also part of a Letter which the General Received at the same time from the Lieut Governor of New York Relating to matters contained in Coll^o Blanchards Dispatches; & Desired the opinion of this Council of War, what they Judge Nessessary to be done in Consequence of the Intelligence & matters contained in the afforesaid papers.

Article 2. The General then Proposed for the advice of this Council of War which way towards Crown Point from this place they would advise a Road should be cut for the march & embarkation of the army & whether that Road should be Imediately set about & that he had directed Capt. Payson Lieut Butler & some Indians to attend in order to assist with their Informations the Deliberations of this Council of war on this Important Question.

Article 3. The General laid before this Council of war the Last returns made him of the state of this army & desired they would take the same into their serious consideration together with the Informations of some of the Indians Present, who arrived here Last night from Canada and Crown Point as also the sentiments of all of them now present Relative to forming a Judgment for future Proceedings & measures necessary to be taken hereon. Upon this article,

It is the unanimous opinion of this Council of War that the New Hampsh^r Regiments should be Retained in this service & that they be

furnished with Provisions by the Comisaries of the several Governments concerned in this expedition.

In answer to the second article it is the unanimous opinion of this Council of war that the Road to Lake St Sacrament appears to them the most iligeble & that it be Imediately set about upon which the General put the Question what number of troops the Council thought safe & sufficient to carry on that work & Build a place of arms & magazines.

Voted in the affirmative two thousand men and half of the artillery & a suitable quantity of Artillery stores.

The Council of war at their own motion was adjourned to 9 o'clock to-morrow morning.

Saturday between 9 & 10 o'clock A. M.

The Council of war met according to the adjournment of yesterday evening & having taken into serious consideration the present state of this army as laid before them by the General in the last Returns made to him the 17 : 18 and 19 Instant by which they find the whole amount of the men fit for duty Including serg^{ts} Corporals and Drums were at that time 2932 since which the number of the sick are considerably Increased and 16 Deserters from one Regiment, so that when the New Hampsh^{r} Regiment shall join the army they apprehend the whole number of men fit for Duty may be estimated between 31 & 3200. The Council also find by the answer of the Coghenawagoes Indians to General Johnsons embasy sent by the four Mohawk Indians who arrived here from Canada and Crown Point the 21 Instant and the said Coghonawgaoes speech to tnose Mohawks which the General Laid before this Council of war that the Cognanagoss will join with their whole Force the French against us that from the account General Johnson gives of his conversation with the said four Indians, It appears that the French are all in motion in Canada towards Crown Point & that the Road from montreal to St. Johns is constantly crowded with carriages passing to and fro with provisions and stores to be dispatched by ye Brigentine and one smaller vessell up Lake Champlain to Crown Point which vessels are constantly employed there in that the enemy are flinging up New works at Crown Point and every body there busily employed. The said Indians farther Inform that there appeared to them a great plenty of provisions That three men of war from Europe had arrived at Quebeck with Provisions arms cloathing & 6000 Troops which the French said were designed for Crown Point. That the Governor of Canada was calling in all the Indians settled round that country who those Indians do not doubt will readily & warmly join the French and will with ye Cognawagas amount to a very considerable number, that the French Govr at Montreal told them he waited Impatiently for Gen^{ll} Johnson and his Troops and should be very glad to see him, that he should have ready to oppose him 8000 men besides Indians. That the French have had pretty exact Intelligence of all our motions from the marching of the first division from Albany that if we marched by the way of the wood Creek they designed to attack us at Smith Bay if by the way of Lake St Sacrament at Ticonderoga that when these Indians past by Crown Point there were not above 100 men there, and two hundred more on their way from St Johns but that by this time they doubt not they are greatly increased & daily arriving as also the Indians. That our Indians are of opinion that the French will fortify at Ticonderago and be much too strong for us even there. That some of the most steady and best affected Indians who came here with the General as also these now arrive from Canada have several times with apparent uneasiness assured the General and the Indian officers that we were far short of a sufficient number to expect any success against the French and have further added that they were of opinion we should be defeated yet they were our Brethren and would live and die with us these Informations

from the Indians were confirmed and sworn to before the Council by Lieutenant Adams, Butler and Stevens—this Council of war having taken all these matters into their most serious consideration and examined since last night to the utmost of their abilities the great subject now before them in which examination they have made allowances for the natural Boasting and vapers of the French to our Indians are unanimously of opinion that the minutes of this Council of war be with all possible dispatch transmitted by the Genll to the several Governments who have raised troops on the present expedition and that General Johnson do urge to the sd Governments the necessity of speedy and sufficient Reinforcements, as there is great Reason to believe we shall be opposed by the main strength of Canada and that in the mean while the army do proceed with all possible dispatch and vigor upon the present expedition then General Johnson do also inform the said Governmts of the necessity there will be of cloathing and Blankets to be sent for the Troops who are too thin cloathed for the approaching season except it be the New York Regiment who only will want additional Bedding.

P. Lyman Moses Titcomb Tim: Ruggles Eleazr Goodrich Epm Williams Wm Cockcraft	Col—
Jona Bagly Seth Pomroy John Pitkin Nathan Whiting	Lieut Coll—
Edwd Cole Jona White Eleazr Nichols Robt Denison Noah Ashley Eleazor Fitch Jona Hoar Will Eyree	Majrs

N. B. Major Treat desird leave to withdraw from the Council yesterday being taken ill.

A true copy from the original minutes Examd by me,

Peter Wraxall, Secy.

A copy Examd.

Letter from Lt. Gov. Phips.

[Copied from MS. Corr. Vol. II. p. 301.]

Boston, August 14, 1755.

Sir—

I have this day Received a letter from Lieut Governor DeLancey wherein he informs me that the Assembly of New York have voted four hundred men to Reinforce the army upon the Crown Point Expedition. I have also received a Letter from Govr Hopkins of Rhode Island who informs me that their Assembly have Voted one hundred and sixty men in addition to the forces they have sent on said Expedition. This Governmt have voted eight hundred men in addition to the fifteen hundred men heretofore voted. I doubt not but your Excellency's zeal for the common cause will put you upon using your utmost Endeavours that your

Assembly may follow so good examples. I am with all sincerity, Sir, your most obedient and most humble servt

S. Phips.

His Excellency Benning Wentworth, Esq.
Copy Examd by Matthew Livermore, Clerk &c.

Thursday Sept. 4th 1755.

Whereas there are sundry matters of Importance now lying before the Genl Assembly and sundry members of the Genl Assembly have business at the Infr Court and cannot attend both, Therefore Voted that it is the opinion of this House that the Infr Court ought to be adjourn'd to some future day.

Sent to the Honble the Justices of the Infr Court by John McMurphy Esq.

The House adjourned till 3 o'clock

P. M.

[p. 24.] Whereas it appears to this house that there is a necessity of a Reinforcemt of the Troops already rais'd for the expedition to Crown Point and this house being desirous of doing every thing in their power that may have a tendency to promote the common interest of his Majesty's subjects in North America, Therefore

Voted That his Excellency be and hereby is desired to order the inlisting one hundred and fifty men good and effective for a Reinforcement thereof, under such proper officers as his Excellency shall appoint for three months from this time, unless the expedition shall be sooner over: And that the officers and soldiers have the same Bounty, wages and allowance in all respects as the Troops already raised by this Province for said expedition have.

That for defraying the charge thereof there be the sum of Ten thousand Pounds struck off of the large plate from which the late Crown Point money was struck and that for drawing in and sinking the same there be a Tax laid upon the Polls and Estates in this Province in the year 1760 agreeable to such proportion as shall then be in force.

[p. 25.] That the same Committee who got the late Crown Point money imprinted get the sd sum of ten thousand Pounds imprinted, and the same Committee who signd the late Crown Point money be the signers of the sd sum of ten Thousand Pounds, and that an act be drawn up accordingly.

Sent up by Messrs Thomas & Hale. [Concurred.]

The Secretary brought into the House a lettr from Lieut. Govr Phips to Govr Wentworth and a copy of a letter from Govr Fitch, also said the Council had concurred with and the Govr had assented to the vote for raising one hundred and fifty men.

Sam[l] Smith Esq. bro't into the House a letter from Gov[r] DeLancey to Gov[r] Wentworth.

The House adjournd till to-morrow morning nine o'clock.

Letter from Lt. Gov[r] Phipps.

[Copied from MS. Corr. Vol. II, p. 319.]

Boston, * * * Septem[r] 1755.

SIR—

I send your Excellency herewith copies of my last advices from General Johnson which are of such importance that I have thought it necessary to call my Assembly to meet the 5th Instant, altho' I had before prorogued it to the 24th. Likewise I send your Excellency copy of a letter received by Express from Gov[r] Fitch, and I am very much pleased with the Spirit therein by the Assembly of that Colony. There seems now to be no room to question what is the proportion of each Governm[t] but only what number of men can reasonably be rais'd. I hope this will be the Principle which will govern the People of this Province: I must earnestly pray your Exc[y] to use your utmost endeavours to Influence your Assembly to raise an additional number of men on so pressing an occasion, and am with great respect, Sir,

Your Exc[ys] most obedient humble serv[t].

S. PHIPPS.

His Excellency Benning Wentworth, Esq.

Copy exam'd by Matthew Livermore, Clerk, &c.

Letter from Gov[r] Fitch, of Connecticut.(1)

[Copied from MS. Corr. Vol. II, p. 299.]

Hartford, August 29,[th] 1755.

SR.

Major General Johnson's letter of y[e] 23[d] Instant with the minutes of the Council of War in the army (the like to which, before this may come to hand, I conclude will be before you) I rec[d] yesterday, and as the Assembly of this Colony was then sitting, communicated the same to them, who taking into consideration the important matters referred to therein, Resolved forthwith to raise fifteen hundred men (besides the five hundred heretofore Voted, and were actually raising for this purpose) to Reinforce the army gone on the expedition against Crown Point, and are now concerting the necessary measures for the speedy raising and supplying them for that service, and I trust they may be ready to set forward in a very little time, and as I have this day dispatch'd an account hereof back to the army, thought it highly requisite both to give your Hon[r] this speedy Intelligence of the steps taking by the Colony of Connecticutt on

(1) Gov. THOMAS FITCH of Connecticut was a native of Norwalk, Ct. He was a descendent (a grandson or great grandson) of Thomas Fitch, an original proprietor and settler in Norwalk in 1651. He was born 1699, graduated at Yale College 1721, studied divinity and was licensed to preach, but soon was called into offices in civil life. He was Lieutenant Governor, Chief Justice, and afterward Governor of the Colony of Connecticut from 1754 to 1766. On his tombstone in the old cemetery at Norwalk, is the following inscription: "Gov. THOMAS FITCH—Eminent and distinguished among mortals for great abilities and a virtuous character; a clear, strong, sedate mind; and an accurate, extensive acquaintance with law and civil government; a happy talent of presiding; close application and strict fidelity in the discharge of important trusts, no less than for his employments by the voice of the people, in the chief offices of the State, and at the head of the Colony. Having served his generation, by the will of God, he fell asleep July 18, A. D. 1774, in the 75th year of his age."—ED,

this occasion, and to intimate how much it is depended and relied upon here, that the other governments immediately concerned in the expedition, and especially the Province of the Massachusetts Bay, will in a proportionable and vigorous manner exert themselves at this very important crisis when the safety of the army, the country and the British interest seem to be so highly effected. I shall be able in a iittle time to give a more particular account of the progress we make in this affair, and desire I may very speedily have information of what is, or may be done therein by your Province.

I am, Sir, your Hon^rs most obedient
humble servant,

THO^s FITCH.

The Honble Lieut. Govr Phips.
Copy exam^d pr Thos Clarke, Dep^y Sec^y.

Letter from Lt. Govr DeLancey.

[Copied from MS. Corr. Vol. II. p. 303.]

New York, Aug^st 25, 1755.

SIR—

The vote of the Assembly here for raising 400 men to reinforce the Provincial Troops destiued against Crown Point ended in a Bill, which as it subjected the Council to a Draught, they would not agree to, so that the Bill never came up to me for my assent. I have called the Assembly again to meet this week, but the season is so far advanced, I do not expect any thing can be done this year. I had a letter from Col^o Blanchard of the 18th instant at Albany desiring me to let him have Provisions out of that third part ordered by Governor Shirley for this Province in consideration of money advanced by them for the train and other services: But as by an act passed here these Provisions were ordered to be sold, it was not in my power to let him have any of them, but on his paying for them. I directed the Commissaries at Albany to sell him any part he wanted. And for the New Hampshire proportion out of the Pensilvania Grant I tho't he should apply to Mr. Emmerson the Massachusetts agent. I shall acquaint Messrs. Hanson and Cuyler with the further credit you give Col^o Blanchard.

I am with great Regard, Sir,
Your Excellency's most obedient
and most hum^ble serv^t,

JAMES DELANCEY.

His Excellency B. Wentworth, Esq.
Copy Exam^d by Matthew Livermore, Clerk.

Message from Gov. Wentworth.

[Copied from MS. Gov^rs Messages, Vol. II. p. 333.]

5 Sept. 1755.

Mr. Speaker &
Gentlemen of the Assembly—

You will observe that Lieut. Governor DeLancey, at my Instance has wrote Messrs Cuyler & Sanders that what further Credit is necessary for the use of the Provincial Regiment under the command of Coll^o Blanchard should be afforded, that no delay might happen to the junction of that Regiment with the other forces employed in the Crown Point Expedition, I thought it for the interest of the Expedition to pawn my own Credit with Mr. DeLancey to support our New Hampshire Regiment.

I am not doubtfull on this occasion if any part of this Credit should be made use of, but that you will resolve that either the Treasurer or Comtee for the Crown Point expedition should have ample power to take off my obligation for such sums as Collo Blanchard may have occasion to make use of over & above the Credit he has of £500 Sterling at Albany.

B. WENTWORTH.

Council Chamber in
Portsmo Sept 5th 1755.

Fryday Sept. 5th 1755.

Met according to adjournmt. Daniel Warner Esq. came into the house with a verball message from the Govr signifying that he was issuing Proclamations against the Deserters who enlisted for the Crown Point expedition & desired to know if the house would make provision for their proceeding to the army.

In answer to which a verball message was sent to his Excellency by Messrs Wiggen and Mr. Macmurphy that the House approved of the deserters being ordered to yr duty & yt they were of opinion yt ye Committee of War had already sufficient power to make [p. 26.] provisions for them.

The act for £15,000 having been read three times, Voted that it be enacted. Sent up by Messrs Philbrick & Knight.

Voted That the Committee of War already appointed for the Crown Point expedition shall be and hereby are authorized & impowered to make provision for clothg and every thing necessary for the Troops already rais'd or now projected to be raised by this governmt for the Crown Point expedition, and to cause the same to be transported to them as there may be occasion, and that they draw money out of the Treasury to do the same.

And further Voted, That if the sd Committee shall have occasion to purchase any thing or things therefor, where the Bills of credit on this Province will not answer, that the Committee already appointed & improved to draw Bills on John Thomlinson Esq. agent for this province at the Court of Great Britain, or the major part of them, shall be & hereby are authorized and impowered to draw a Bill or Bills on the sd John Thomlinson Esq. in favour of the sd Committee of War for not exceeding the sum of one thousand Pounds sterling of the Interest of the money in his hands belonging unto this Governmt, and if not sufficient of the interest, then of the principal, and the sum of three thousand [p. 27.] seven hundred and fifty pounds or in that proportion for what shall be drawn for in the Bills emitted or to be emitted by this Governmt for carrying on the expedition to Crown Point shall be exchanged for the like sum in Bills of Credit on this Province for the carrying on the intended expedition against Canada and that the same shall be burnt to ashes in the face of the Genl Assembly in order to sink so much of the Bills of Credit for carrying on sd expedition against Canada and yt the sd Committee of war render

an account to the Gen[l] Assembly of what moneys they shall receive by virtue of this vote.

Sent up by Mr. Gidding.

The House adjourned till three o'clock

P. M.

Sundry letters were sent back to the Gov[r] by Esq. Macmurphy.

The House adjourned till tomorrow morning nine of y[e] clock.

Saturday Sept. 6th 1755.

[p. 28.] Whereas from the information this House has receiv'd there is a probability that there will be occasion for the troops that are already rais'd by this Governm[t] for the Crown Point expedition to be kept in the service longer than was at first proposed, Voted that the wages of the s[d] troops be continued for three months from this time unless the s[d] Expedition should be sooner over. Sent up by Mr. Gidding.

The House adjourn[d] till Monday next, three of the clock in the afternoon.

Monday Sept. 8th, 1755. P. M.

The Speaker being absent, Voted that Henry Sherburn, jun[r] Esq. be speaker pro tempore.

The Secretary brought into the House sundry Papers from his Excellency relating to the Crown Point expedition which were read.

The House adjourned till tomorrow morning nine o'clock.

Letter from Col. Blanchard.

[Copied from MS. Corr. Vol. II, p. 305.]

Albany August 28th 1755.

May it please your Excellency

On the 11th & 12th instant I arrived with upwards of 200 men on the Flats six miles above Albany, and at Albany within one hours march (from the Flats) of two thirds of the army, but a small part of their provisions moved from Albany. The General himself but the day before; of my men about a week after upwards of 200 more arrived there, our men on arrival at this River had spent all their travelling provisions, and none left at Albany for us gave me much concern, loath to improve the sterling Bill, knowing all that was left and much more would inevitably be wanted for necessarys for the Regiment.

I applyd to the Commissarys of the several Governm[ts] of the Mass[a] Connecticut & Rhode Island, who courteously lent me Provisions for a few days, till I sent to New York & since supplyd the same way to this time.

I expect tomorrow to march part of my men, part is already gone, &

the rest in a day or two, they (by the generals order) serve as Guards to the companys of waggons up to the carrying place.

The evening I arrived at Albany I waited on Messrs Cuyler & Sanders with my Credit who complaisantly assured me of their readiness to assist in the undertaking but assured me that my Credit (without purchasing Battoes or waggons here) must fall short, & informd me of the situation of the Pensilvania stores, & that I could expect no Relief from them. I thought necessary notwithstending to demand & next morning wrote Governor De Lancey & sent Express to New York. I rais'd as a guard ten horses (that travill'd with me here) & rode night and day till I came to General Johnson Friday nine o'clock in the morning, who arrived there but the night before. He with the rest of the gentlem^n in command received me with tokens of rejoicing at our arrival, for that that morning a General Council of war had set to see if they would send for a reinforcement, which was done.

Next day I set out (as soon as the General would dismiss me) for Albany. Got there Sunday. Visited & took care of my men till my New York Express returned with Governor DeLancy's answer to my letter & vote of Council.

On Rec^t I impressed a horse at Albany (not well myself) & sent Express to General Johnson who summoned a Council of War & 'twas unanimously agreed to detain us in this service & for us to be supplyed out of the common stock of the several Governments with Provisions, my giving Receipt in behalf of New Hampshire, till matters could be properly adjusted, with orders to the several Commissarys &c. copys of which proceedings I here inclose & copys of sundry orders relating Pensilvania stores & their distribution with charges of sundry *Fruits?*(1) My letter to Governor De Lancey, his answer & vote of Council, General Johnson's Letter to Hanson & Cuyler, his orders to me with directions to Sybrant Von Schaik Esq. to impress waggons, my letter to General Johnson, his answer & orders to ye several Commissarys. By those papers you will see my situation (in general) since my arrival at this City & the situation of them stores. All preparations for the march was delayed (least a fruitless charge should arise) till I had a final answer.

It was to the great surprise of the army and city that no reasonable care had been taken previous to our arrival by Committee or agent for receipt of stores or our supplys here, many gentlemen in the city proposed a large contribution to help us forward, esteeming my four hundred better than all York and Rhode Island forces. I acknowledge their generosity but let them know my errand was not a begging, if that was needed it was the governments task. That if the provisions of which I was unlawfully barred was not restored or otherways supplyed by the public, I should with dispatch move my men back to y^r own habitations. But the Resolution of the Council of War has determined me to proceed.

Touching these premises nothing further recent in my mind to inform you of as to generals. The accounts of expenses in marching the Regiment here, all that I have got the particulars of will inclose them, and the rest I must pay with honour out of the Albany money, unless some part in New Hamp^r. Bellows, Evans & Hinsdale you discharge by this post.

Your Excellency lett^rs by Loverwell inform that he had Credit on Boston to discharge the acc^ts on Connecticut River; he denys it and has not advanced so much as his own travelling expences. I could not have a man billeted without my word or note for payment or Coll. Willards, and left credit behind for those who I could not then get marching provisions for, the Bulk of which acc^ts have follow'd me, and all the money I can get I am sending back. The slender Tin Kettles provided for the Regiment,

(1) This word is doubtful.—Ed.

many of them lost and spoil'd before they arrrived at Bakerstown, the greatest part of the rest left with the Commissary, some by the soldiers sold on the Road, others melted and spoiled, that I am constrained to renew that article with small brass kettles (one to five men) the same as other Regiments. Many of the Eastern soldiers who received money for Blankets bro't none and must be recruited here or cannot march;—shirts, jackets, shoes, stockings, caps, briches, axes, and hatchets they must be supplyed with here, and many other articles, stores of this kind sent back from Bakerstown, they are of absolute necessity, tho' chiefly proper to subduct from their wages. One Tent for myself and one for each company. I have procured some blankets for the rest in lieu of Tents, to be used for the sick and on other necessitys.

Changes of expresses, travelling expences, waggon hire, city expences for officers and soldiers, all at an unmerciful price, several guns spoil'd that I was obliged to purchase others, in the whole a sum much beyond my credit, which I expect to be augmented, and nothing left me to Relieve the Regim^{t} till winter: which will take well towards such another Bill. And as your Excellency, has assured me my Regim^{t} shall be supply'd equal as the other Regim^{ts} 'tis my dependance.

And that a supply for the officers and soldiers necessitys and comfort and to be subducted (what's Right) from their wages, be put into my hands and under my direction for them to receive at the first cost and their wages not thrown away to mercenary suttlers which rather than freeze they'll do, ammunition all to buy, of which the Gen$^{ll's}$ Commands are five pounds of powder pr. man, lead and flints proportionable, 'twas not to be had at Albany, I have sent to York for it. I borrowed six half barrels of the Genl and two I bought of Mr. Sanders. In the city I bought about 200 lb of lead & 2 M. flints.

Col. Willard & Doct^{r} Emery have been sick, all to despatch myself,—besides watchfulness over the men to keep them from mischief & drive them out of the city. Officers raw and unacquainted with Governm^{t}, moving and delivering their provisions, that has left me not a minute to spare since I've been here. The present demands for my hasty march incumbered with all preparations will not admit my being more particular in these things till I reach the Camp.

Doubt not but you will treat me with Honour, and for my support to be as good as others in my station. Had I not been with our Troops if they had got here (of which I doubt not) they must have return'd with shame & disgrace to themselves and government thro' whose carelessness or injustice soever we were stript of our Right;—and as to the situation of the army at present, is thus: About three thousand in number, chiefly marched to Lydias' carrying place, are building a strong fort there of which 1500 with General Johnson are marched to Lake St. *Sacrement* and will be there this day with parte of the artillery and determine a strong fort there. The army in general health and good spirits, but one is dead with sickness out of the whole, one is drowned, a good agreem^{t} amongst the officers in command; the soldiers impatient of Delays. Hendrick has joined us with about three hundred Mowhawks and marched from hence last Tuesday. I have not time to write ye Committee of War any particulars, and must leave it to your Excellency to inform y^{m} of the needfull, nor to write to Coll. Atkinson (who I promisd) and must refer him to this letter with your liberty.

Had I been here one month sooner, I must have been oblig'd to have built at least 70 or 80 Battoes at £5 York money pr piece, the most stupid invention for ye use that ever was. There's more than a hundred and fifty now scatter'd up & down the River, and the men that carryed y^{m} up almost worried to death, the chief of ye way swift water falls and Ripples that they were oblig'd to wade and carry all day, are now thrown aside and with waggons carry all their provisions, some they will carry across to *Sacramony* but are clumsy worthless things.

Genl Shirley with his army are now at Oswego ready to move to Niagara. Four new vessels are built and ready there besides battoes. The particulars of the conduct and defeat of Genl Braddock you have ere this. Several that were in the engagem^t have been here. I have had my health tho' not constant, yet (for my fatigue) beyond any expectation. At present I think of nothing further but to salute your Excelency with the tenders of my duty and assurance that I am with the highest esteem your Excellencys most obed^t humble serv^t JOSEPH BLANCHARD.
His Exc^y B. Wentworth, Esq. Govr.

August 30th 1755.

P. S. I hear that tomorrow the whole army exclusive of one hundred are to march to Lake St. Sacramony where I hope to be present next Wednesday.

Aug^st 31st—I just now hear Col^o Dunbar who was with his Regiment to joyn Genl Shirley is orderd back and immediately to recruit and set once more for the Ohio—as unexpected at this season.

A true copy exam^d per Matthew Livermore, clerk, &c.

Letter from Gen. Shirley to Gov. Wentworth.

[Copied from Prov. Rec. B. I, p. 300.]

Camp at Oswego, Sep^t 9th 1755.

SIR—

As it may be acceptable to your Excellency to know the situation of the service wch is under my immediate care, I transmit you the following Acc^t of it (1)

The last Division of the Forces under my command were twenty-six Days upon their march from Schenectady to this place, where they did not arrive until the 2^d Instant. The Troops are so much reduced by Desertion & sickness, and absence of Detachments upon Parties & Command, that by a Field return which I order'd to be taken yesterday, it appears that the number of men in the three Regiments & Independent Company fit for Duty upon the spot, don't amount to 1400, out of which we are oblig'd to keep 100 at work upon a new Fort, and if the Body of the Forces moves from this Place, must leave 300 at least for the Defence of it, so that not 1000 men will remain for other service, and of these 60 must be employ'd as matrosses, & a number as pioneers: To this I am to add, that we have suffer'd greatly by Desertion of Battoe men after being impress'd & even proceeding part of the way with us; by which means we are in want of Provisions for any service, that will require Ten days in the execution.

However, if I am not disappointed of supplies of Provisions, wch I hourly expect, I am encourag'd upon the intelligence I have gain'd since my arrival here, that with our Naval force, and the assistance of the Indians, whom I have pick'd up in my passage thro' the Country of the five Nations, and the Albany men whom I hir'd to go with me as a scouting Party of guards (both which may amount to 140 men) I say, I am encourag'd, Sir, to hope we may proceed upon Action in a very few days, and that a foundation will be laid this year for such a Campaign the next, as I flatter myself (provided the Colonies shall then exert a proper spirit) may secure all points in dispute between us and the French.

(1) Gen. Shirley, who was then Governor of Massachusetts, was a distinguished military character, and at this time was in command of an expedition against Niagara—which it appears, subsequently, proved a failure—ED.

As a meeting of Commissioners from all the Colonies as far Westward as Virginia, inclusive with me, to be appointed by acts of Assembly in the month of October or November in order to consult upon the most proper measures to be taken for the general Interest of the common cause the next Spring, may have a good effect for his Majesty's service, I mention it to your Excellency for your consideration, & shall do the same to the other Governments in a Circular letter: If such a Convention shall be thought adviseable, I would propose New York for the place of meeting, and the 5th of November as the time for it, as I shall be there in my Return to Boston, where I must be present early in December.

As I think a very early Campaigne the next year necessary, I have sent orders to Coll. Dunbar the Commanding officer of his Majesty's two British Regiments & two Independent Companies at New York to march those Troops directly to Albany, where I design their winter quarters shall be, and to leave at this place so many of the Troops now with me, as can be supported here during the Winter, that they may be assembled ready to act either separately or in conjunction with such Provincial Troops as the Colonies shall think fit to raise against the French settlements either upon the Lakes and [or] Ohio; wch last place is very accessible thro' that Route or against any part of Canada, as his Majesty's service & the General Interest of the Colonies may most require.

I shall likewise give orders to have these four Regiments and the four Independent Companies of New York compleated to 4400 men by the Spring.

The first thought of having a meeting with Commissioners from the Colonies was suggested to me from the inclosed Extract.(1)

I am with great Regard
Sir, Your Excellys most Humbl and
most obedient servt.

W. Shirley.

His Excellency Benning Wentworth, Esq.

Tuesday, Sept. 9, 1755.

[p. 29.] Whereas the enlisting the three hundred men voted for a reinforcement of the Troops rais'd for the Crown Point expedition may be attended with some extraordinary charge, and inasmuch as it is upon a sudden emergency and there is no time to be lost in doing the same, Therefore Voted, that there be allowed and paid out of the money in the Treasury unto Coll. Peter Gillman the sum of one hundred Pounds new Tenr to enable him to do the same, and that the same sum of hundred pounds be replaced in the Treasury by part of the fifteen thousand Pounds now to be emitted. Sent up by Capt. Gilman.

Thursday, Sept. 11, 1755.

[p. 30.] Voted that there be paid out of the money in the Treasury the sum of three pounds ten shillings to the wife or order of each man of the five hundred already enlisted for the Crown Point Expedition, and that appeared at Albany, he proceeding to and being at Albany—to be ascertain'd by a list from the Commissary. Sent up by Esq. Page.

(1) The extract above referred to, has not been found.—Ed.

[p. 31.] Fryday Sept. 12th 1755.

Whereas the Committee of War have occasion to purchase many things for the carrying on the Expedition to Crown Point on the part of this Province, where the Bills of credit on this Province will not answer, and as it may happen provision is not yet made therefor:

Therefore Voted that if there be occasion therefor, that the Committee already appointed and improved to draw Bills on John Thomlinson Esq. agent for this Province at the Court of Great Britain or the major part of them shall be and hereby are authorized and impowerd to draw a Bill or Bills on him the sd John Thomlinson Esq. in favour of the sd Committee of War, for not exceeding the sum of one thousand Pounds sterling of the Interest of the money in his hands belonging unto this Governmt, and if not sufficient of the Interest then of the principal and that [p. 32.] the sum of three thousand seven hundred and fifty Pounds or in that proportion for what shall be drawn for in the Bills emitted or to be emitted by this Governmt for carrying on the expedition to Crown Point shall be exchanged for the like sum in bills of Credit on this Province for carrying on the intended expedition against Canada and that the same shall be burnt to ashes in the face of the General Assembly to sink so much of the Bills of Credit emitted by this Governmt for carrying on the sd intended Expedition against Canada, and that the said Committee of War render an acct to the Genl Assembly of what moneys they shall receive by virtue of this vote. Sent up by Esq. Page.

Voted that the Committee already appointed and made use of for drawing Bills on John Thomlinson Esq agent for this Province at the Court of Great Britain or the major part of ym draw a Bill or Bills on the sd John Thomlinson Esq. for the sum of fifteen pounds sterling of the Interest, and in want thereof of the principal in his hands of the money belonging unto this Governmt in favour of the Committee to get the fifteen thousand Pounds struck of: The sd Committee to be accountable therefor to the Genl Assembly.

[p. 33.] And further Voted that the sum of fifty six pounds five shillings of the fifteen thousand pounds now to be emitted for the reinforcemt of the Crown Point Expedition be exchanged for the like sum of the Bills of Credit emitted by this governmt for carrying on the intended expedition against Canada to be burnt to ashes in the face of the Genl Assembly to sink so much thereof.

Sent up by Esq. Page.

The House adjourned till three of the clock

P. M.

Mr. James Stoodly junr one of the Collectors of Excise bro't into the house an account of Excise by him collected amounting to

the sum of two thousand two hundred and fifty pounds fifteen shillings and six pence old Ten^{r} and made oath to the truth thereof, and produced vouchers for the payments therein mentioned, also made oath that he has collected all he has been hitherto able to collect, and that it is all he has as yet collected and thereupon, Voted, that the s^{d} acc^{t} be accepted & that the s^{d} James Stoodly Jun. be exonerated and discharg'd from the s^{d} sum of two thousand two hundred and fifty pounds fifteen shillings and six pence old Ten^{r}.

[p. 34.] Sent up (by) 16th by Mr. Hale.

Richd Wibird and Daniel Warner Esqr. came into the house with a verball message from his Excelency and said his Excellency understood that there was not the success in raising the men for the re-inforcem^{t} as was expected and desired ye house would consider of some method to expedite the same.

The house adjournd till tomorrow morning.

Saturday Sept. 13th 1755.

The act for the more speedy leavying soldiers for the Expedition to Crown Point read three times and pass'd to be enacted, and sent up by Capt. Wentworth. Voted that his Excellency be desired to cause to be inlisted or impressed not exceeding the number of forty able bodyed effective men to be imployd in scouting and garrisoning as his Excellency shall order and direct for the protection of the Frontiers on Connecticut River from the 20th day of Sept. instant to the 20th day of Octo^{r} next. That their wages, allowance for Powder, Bullets Flints and for billeting be the [p. 35.] same as is allowed in a vote of this house of the first day of Augst last for soldiers then voted to be rais'd for defending the Frontiers. That for a fund for defraying the charge thereof, Voted, that the Committee already appointed and employed for drawing Bills on John Thomlinson Esq Agent for this province at the Court of Great Britain draw a Bill or Bills on him for the sum of one hundred pounds sterling of the Interest & in want thereof of the principal of the money in his hands belonging unto this Province and dispose thereof for the most they will fetch in Bills of Credit of this Province and put the same into the Treasury for the ends afores^{d} taking ye Treasurer's Receipt for the same, and y^{t} if there remain any overplus in ye Treasury, it shall be disposed of as ye Genl Assembly shall order and that an act be drawn for calling in, in ye year 1761, the sum of £375 new Ten^{r} Bills of Credit emitted for carrying on the intended Expedition against Canada, and put into ye Treasury to be burnt to ashes in order to sink so much of the s^{d} Bills emitted for the carrying on s^{d} intended Expedition agst Canada. Sent up by Mr. Tuck. Adjourned.

[P. 36.] Monday Sept 15th 1755.

A few of the members met—but not sufficient to make a house nor the Speakr. The Secretary came in and adjournd the Genl Assembly till to-morrow morning ten of the clock.

Tuesday Sept. 16th 1755.

Met according to adjournmt. John Macmurphy Esq. one of the Collectors of Excise bro't into the house an account of Excise by him collected amounting to the sum of one hundred and eighty-eight pounds seven shillings and seven pence new Tenr and made oath to the truth thereof before Meshech Weare Esq. and that he had used his best endeavours to collect all within his precinct, and Thereupon Voted, That the sd John MacMurphy Esq. be discharged from sd sum. Sent up by Mr. Hale. Adjournd till three o'clock

P. M.

Voted That the allowance for the Committee to get the fifteen thousand Pounds struck off be the same as was allowed the committee that got the thirty thousand pounds struck, and that the allowance for the committee for signing the said fifteen thousand pounds, be the same as was allowed the committee for signing the Bills off of the large plate of the said Thirty Thousand pounds.

[P. 37.] Wednesday, Sept. 17th 1755.(a)

(a) Geo Jeffrey acct. clerk of Supr. court, allowed £4 : 15 : 4.

Joseph Moulton, jun. for Express service, allowed £23 : 47 : 6, New Tenor.

Theod. Atkinson for extra service as Secy, allowed £30.

[P. 38.] Reuben Sandborn, for Expresses, £2 : 5. Also, to same, as Depy. Prison Keeper, for board of Thomas Worthen, £10. New Tenr.

Thursday Sept. 18th 1755.

[P. 39.] Voted That Matthew Livermore the present Clerk of the House of Representatives be and hereby is impowered to give copy of any part of the Journals of the Genl Assembly to such person or persons as shall request the same during the Recess of the Genl Assembly. The house adjourned till 3 o'clock

P. M.

The Secretary came into the house and said he was directed by his Excellency to dissolve the General Assembly of this Province, and accordingly in his Majesty's name

DISSOLVED THE SAME.

[p. 43.] Anno Regni Regis Georgii Secundi, Magnæ Brittaniæ, Franciæ et Hiberniæ, Vicessimo Nono, Annoque Domini 1755.

A Journal of the House of Representatives.

At a General Assembly of his Majesty's Province of New Hampshire began and held at Portsmouth in said Province on the Fourth Thursday of October, being the Twenty third day of said month 1755.

Thursday October 23d, 1755.

Eighteen members being Present, the Honble Theodore Atkinson and the Honble Richard Wiberd, Esqs came into the house & said that his Excellency the Governor directed them to administer the Oaths appointed to be taken instead of the Oaths of Supremacy and allegiance, & accordingly administered the said Oaths to the following Gentlemn, who afterwards subscribed the said Oaths & the Declaration.

Members present and sworn.

Eleazer Russell Esq.	for Portsmouth.
Mr. Andrew Clarkson	
Capt. Thomas W. Waldron(1)	for Dover.
Capt. John Wentworth	for Sumersworth
Capt. Jonathan Moulton	for Hampton
Mr. William Moulton	
Mr. Josiah Batchelder	for Hampton Falls
Mr. John Phillips(2)	for Exeter
Thomas Bell Esq.	for New Castle
Mr. Amos Seavey	for Rye
Mr. Benjamin Stevens	for Kingston
Mr. John Knight, junr	for Newington
Cornet Thomas Wiggins	for Stratham
Clement March, Esqr	for Greenland
Joseph Smith, Esqr	for New Market
[p. 44.] Mr. Stephen Jones	for Durham
Mr. Samuel French	for South Hampton
Capt. William Richardson	for Salem & Pelham

Soon after the afoiesaid members were sworn Mr. Secretary by his Excellency's order adjourned the General Assembly till Fryday eleven o'clock in the forenoon.

(1) Thomas Westwick Waldron, was a son of Secretary Richard Waldron, 3d, who deceased Aug. 23, 1753, aged 60.

(2) John Phillips, in 1781, became the distinguished founder of Exeter Academy. At his death in 1795, he bequeathed to that Institution a large portion of his estate. —ED

Friday morning 11 o'clock, A. M.

Met according to adjournment. The Honble Theodore Atkinson, the Honble Daniel Warner, Esq^s. came into the House & administered the Oaths appointed to be taken instead of the Oaths of Supremacy and allegiance, to the following Gentlemen: Henry Sherburne, jun^r. Thomas Millet, Esqs. & Capt. John Chamberlain, who afterwards subscribed the said oaths and the Declaration; & then they informed the members that it was his Excellency's Pleasure they should immediately proceed to the choice of a Speaker, and present him for his Excellency's approbation: And then the House proceeded to bring in their votes for a Speaker which being examined, it appeared that Henry Sherburne, jun^r Esqr. was chosen Speaker of the House by a majority of votes, & was accordingly conducted to the chair, and then Thomas Bell Esq. Mr. Thomas Wiggen & Mr. John Knight were appointed a Committee to wait on his Excellency & inform him that the House had made choice of Henry Sherburne jun. Esqr to be their Speaker, which message they delivered & return'd to the House, & soon after Mr. Secretary, the Honble Richard Wibird & the Honble Danl Warner Esq^s. came into the House & said that his Excellency approved the choice of Henry Sherburne jun^r Esqr for their Speaker & that his Excellency ordered the House of Representatives to give their attendance at the Council Chamber. The House immediately attended & his Excellency the Governour Read the following Speech to them.

Gentlemen of the Council & of the Assembly—

The immense expense incurred to the several Provinces interested in the Crown Point Expedition, I am apprehensive we shall reap no other fruit from than the defeat of Le Baron De Dieskau's(1) army, which we ought rather to ascribe to the kind interposition of Providence, than to our own army.

[p. 45.] After the victory obtained over the French army, General Johnson, on a Result of a Council of War held at Lake George, required a further Reinforcement to the army under his Command. I need not observe to you, with what vigor & dispatch, nor at what an extraordinary expense the Reinforcements under the command of Col^o Gilman was effected, but as a great part of Coll^o Blanchard's Regiment have been dismissed, & he is daily expected, it is doubtful with me, whether the reduction of Crown Point Fort will be attempted this year; but this is only conjecture in me, having no authority for it, either from Major General Johnson, or from those whose business it was to inform me of the proceedings of the army from time to time, for my government in all things relating thereto.

Gentlemen of the Assembly—

It not being my intention that your siting should be of long continuance until the Return of all our Troops from the Crown Point Expedition,

(1) The Baron De Dieskau was commander of the French forces that made a successful attack, first on Fort Edward, but afterwards, Sept. 8, 1755, in an attack on General Johnson, at Lake George, he was defeated, himself mortally wounded and taken prisoner. At this time, about 200 men of the New Hampshire forces, fell upon the French and completely routed them. See *Holmes' Ann.* Vol. II. pp. 62-65; also Muster Rolls in Potter's Mil. Hist. Adj. Gen. Rep. Vol. II. 1866, pp. 129-152.—Ed.

or their destination is more certainly known, I shall therefore only Recommend to you the Reviveing the Law (which this day expires,) against the Exportation of Provisions to the French Colonys & acquaint you that the Grants made for the protection of the Frontiers are near at an end, & that I shall direct the Secretary to lay before you his Majesty's Additional Instruction(1) of the 12th of Augst. upon the Petition of the inhabitants of Charles Town, hoping you will take it under your immediate consideration & act up to your duty therein, & unless a suitable provision is made for the defence of the Frontiers, it must be expected that the past Labour & Industry of his Majesty's subjects in that Quarter will be given up to the Enemy, which at this conjuncture of affairs, will greatly Encourage them; on this consideration, I must not doubt of your cheerfull complyance with his Majesty's pleasure concerning them.

Gentlemen of the Council & of the Assembly—

Nothing will contribute to the prosperity of ye Government or give greater weight to your counsells, than a happy union amongst yourselves, which earnestly recommend & you may Rely on me, to give you every assistance in my power for effecting it.

B. Wentworth.

Council Chamber in
Portsmouth, Octor 24, 1755.

Mr. Secretary Atkinson's account of the Crown Point Expedition, 1755, *in a letter to John Thomlinson Esq.*—[An important letter.—Ed.]

[Copied from MS. Belk. Papers, p. 170.]

Portsmo. December 9th 1755.

Sir—

I am now set down to write you a longer letter than I ever tho't to Trouble you with again having long since Determined to leave affairs of Government to be handed you from his Excellency. * * * * * * * * The first Time the Governor mentioned a reinforcement to Genl Johnson's army to the Genl Assembly was the 2d September in the afternoon, the 3d it was under consideration, the 4th they voted the raising 150 men, the 5th they augmented the number to 300 & Passed an act to make £15000 to Pay the charge, so that if ever any of his Majtys Provinces were allert in his service 'twas New Hampshire in that affair at least. But because you should know in general what we have done in that Expedition, I will begin with the first Notice we had of it in this Province. Upon the 11th Day of March last Coll. Hale, one of the House of ye Massa came to town with a Commission from Governr Shirley to comunicate the great Scheme of the Crown Point Expedition—a *secret*, that the Massa Court had bound themselves by oath not to Divulge for some months before he communicated it to Govr Wentworth; & his Excellency to the Council & Assembly useing the Precaution of an oath in the lower House. This gentleman bro't the Quota each government were to bear from his own court ready assigned: thus:—600 men from New Hampr, 1200 from Boston, 500 Rhode Island, 1000 Connecticut, 800 N. York. We could not compare our Quota with any the governmrs to be concerned so well as the Massa. with whom we never bore more than 1 to 10, & we have been often concerned in Expeditions together: in the Louisbourg Expedition we raised 500, the Massa allowed it to be more than our Proportion, & as they could not easily raise the number they designed, which we understood was 3000, Govr Shirley desired Govr Wentworth to retain a Company of the men he had

(1) A copy of this "Additional Instruction" has not been found.—Ed.

raised & that they should be in the Pay & subsistance of the Mass^{a} who was also at the charge of the Transports &c. They were in the N. Hamp^{r} regiment but were really at the expense of the Mass^{a} which shews what they tho't a proper Quota, and 'tis certain that Governm^{t} has 10 times the men that this hath: still they doomed us one half the Number they proposed to raise. When this was mentioned to Mr. Hale he said their Province had raised a regiment for Govr Shirley, another for S^{r} Wm. Pepperell, 2 others for an Expedition to Nova Scotia, therefore they ought to be considered with respect to the Quota of men; we told him *in those four regiments there was more than a Double Proportion of N. Hamp^{r} men*, & tho' they might have the credit of raising those regiments they had not a proportion of Mass^{a} men in them, which was really the case. He then said if more than an exact proportion of our men did not take on us the Expedition there would be an End & that if we would find 5 or 600 men he would engage that they should be subsisted with Provisions without any cost to this Governm^{t}. Upon this N. Hamp^{r} Voted 500 men, raised them, had them in the woods 2 months before the other Provinces got their men upon Hudson's river, all this time we victualed our own men; our regiment under the comand of Coll^{o} Blanchard remained 3 weeks at Albany before Genl Johnson would Employ him otherways than in guarding the Provisions up where he spent 500 sterling in supporting his regiment notwithstanding the Mass^{a} Promises, and all the Provisions Philadelphia had given, which would have subsisted the then Army more than two months; at last our regiment was ordered up and was subsisted out of the comon stock. Coll. Blanchard had the Post & comand of Fort Edward on the carrying place, the York regiment & his own under his comand there. In the Engagement with Genl Diescau about *eighty of our men* with about 40 Yorkers,—many of which last was of little service,—tho' others of them behaved well, I say this small party *under the comand of Capt. Foulsom*(1) *of N. Hamp^{r}*, not of McGennis as was at first mentioned, 'tis tho't kill'd more of the Canadians & Indians than was kill'd at Genl Johnson's Camp; *they continued an obstinate Engagement with more than one thousand*,—indeed all that retired from before Genl Johnson's camp—kill'd great numbers of the Enemy, recovered about 1200 Packs, beat off the enemy, carryed their own wounded men to the Camp. This engagement lasted about three hours, when night came on and the French and Indians went off & Left all. After this our Regiment were ordered to the Camp at Lake George & were never put upon Duty *but in the scouting way*, which they performed in so acceptable away that no Duty but that was required of them. Some of our men had been several times down to the gates of Crown Point fort—once they kill'd & striped a soldier within a few rods of the gates & bro't of his scalp & Genl Johnson *could or would have had no Intelligence had it not been for our men.* These things I mention that you might have the truth at least for your own satisfaction. I refer you to an attested copy of the first regiment being raised, which was the report of a Comittee accepted by both Houses & consented to by the Governour and which was in every particular complyed with & so was the second regiment of 300 men under the command of Col. Gilman, who were as good men as Coll. Blanchard, *'tho they had not the opportunity to convince the world of it.*

The Expedition is now at an end—why—I can't tell. Provisions or rather the Transportation of them from Albany, was wanting. I can tell why, methinks, that should have been made sure. To rally again in the Spring will not be in our Power, I fear. We have no money & so much in debt that if we should attempt another Emission of Paper 'twould not pass, what means may be found out is not with me even to guess. Our

(1) Capt. Nathaniel Folsom was of Exeter. He was distinguished as an officer, not only in the battle at Lake George, but afterwards, as Brigadier and Major General, in the period of the Revolution. He also held several important offices in civil life —ED.

men are still willing to pursue the Enemy & now think they could have gone to Crown Point and have taken the fort if they had had but 4 great guns, and would have taken the rout from Connecticut river directly without ever going near Albany, and the men think our regim[t] would have been quite sufficient, but the delay alarmed all Canada and gave them time to meet our army before the[y] had got half way to to the Intended place of action. So there is two Forts built at this vast expence & if they are of any future service, New York Government may reap some advantage, but no other Government in the least. I referr you to the Enclosed. * * * * *

Sir, your—

T. A.

Indorsed. "Copy to
Mr. Thomlinson—private
letter about the Crown Point
Expedition. Sent by Capt. Penny."

[p. 46.] Mr. Speaker asked for a copy thereof [Gov[rs] Speech.] & the original was sent with the Instruction therein referred too by Mr. Secretary. Mr. Speaker & the House being returned to their own room, they made choice of a Clerk, and Andrew Clarkson was chosen Clerk to the House by a unanimous vote, and was sworn to the faithful discharge of that office, by Clement March, Esq.

Voted, That Mr. Andrew Clarkson, Mr. John Knight & Mr. Stephen Jones be & hereby are impowerd to receive from Matthew Livermore Esq[r]. clerk of the late House of Representatives for this Province, all the books, files, Records & papers belonging to the Clerk's office of the House of Representatives in his custody, & the said Matthew Livermore Esq. is hereby required to deliver the same to them, from which their Rec[t] shall discharge him. A copy of the above vote was delivered to the above gentlemen, a copy of the above Instruction is on file.

Mr. Speaker adjournd the House till three o'clock

Post Meridiem.

Met according to adjournment, and Mr. Clarkson, Mr. Knight & Mr. Jones brought into the House all the Books, files, Records & papers belonging to the Clerk's office of the House of Representatives which they Rec[d] from Matthew Livermore, Esq. Then the act for reviving the act against Carrying on an illegal Trade with Cape Briton alias Lewisbourgh was read. Then Mr. Speaker adjourned the House.

Met according to adjournment. The said act was read a second time.

The following being read, Voted that they be

THE RULES OF THE HOUSE.

1st. That whosoever shall by any misbehaviour in speech or action justly offend any of the members of this House, shall for the first offence be admonished, for the second fined as the House shall see meet.

2[dly] That no member speak twice until every member have Liberty to speak once if he please.

3dly That every member direct his speech to the Speaker & not to one another & when any member has a mind to speak to any case, that he stand up & ask leave of the Speaker to speak.

4thly That whenever it happens that there are as many votes on one side of the Question as on the other without the Speaker, that then the Speaker make the casting vote.

5thly That if the Speaker be absent, the House may choose a speaker pro tempore, that the affairs of the house may be carried on without stop.

6thly That if any member after being Qualifyed & entered shall absent himself at any time without leave from the house, he shall be liable to be fined at the discretion of the House.

[p. 47.] 7thly That if any member of this house shall be by the major part of this house tho't unfit & not qualifyed for said place, it shall be in their power to dismiss such person giving notice to the town or precinct where he belongs to choose another to fill up such vacancy.

8thly That every bill to be passed in this house be read three times and there be two adjournments of this House before any Bill be passed into an Act, and that every member keep his place in the House and not speak out of it.

9thly That the Speaker with eleven members be a House to do Business.

10thly That not a vote that is passed in the House shall be reconsidered by a less number.

Then Mr. Speaker adjourned the House till tomorrow morning 9 of ye clock.

Saturday October 25th 1755.

Met according to adjournmt.

The Speaker being indisposed & not present, the House proceeded to the choice of a Speaker pro tempore, & chose Thomas Millet, Esq. their Speakr protempore. And then the act for reviveing the acts against carrying on an illegal Trade with Cape Briton alias Lewisburgh was read a third time & pass'd to be enacted & sent up by Mr. Benja Stevens & Mr. Stephen Jones. Mr. Secretary came into the house and informed the house that Mr. Thomas Haill was a member of this body & and that he had taken the oaths appointed to be taken instead of the oaths of supremacy & allegiance, & that he had subscribed the sd oaths, & the Declaration.

Adjourned by his Excellency's order till Novr. 25th. Then met, and adjourned till

[p. 48.] Wednesday November 26th, 1755.

Province of }
New Hampr }

Voted That the following answer be sent up to his Excellency's speech of the 24th of October.

May it please your Excellency.

Wee the Representatives of his Majesty's most dutifull & loyal subjects of the Province of New Hampshire, In General Assembly convened, hav-

ing taken into consideration your Excellency's speech of the 24th of October, Humbly beg leave to say in answer thereto—

That while our hearts are deeply affected with the distress circumstances of his Majesty's subjects of this Province, we gratefully acknowledge the good hand of Divine Providence in the defeat of our enemies in the battle of Lake George. It is truly affecting to us that notwithstanding the great expense with which ye extraordinary dispatch of the Reinforcement from this government was effected, no visible advantage is like to follow therefrom, and it gives us no small concern that those whose business it was to give your Excellency the best intelligence, have been so deficient in their duty, but we trust that the wise Governor of the world who orders out all things for the true interest of his people, will bring good out of these (appearing) evils. Wee thank your Excellency [p. 49.] for recommending the Revival of the Law to prevent Exportation of Provisions to the French Colonies, which the house gave imediate attention unto, & pass'd a Bill for the revival thereof.

His Majesty's Additional Instruction of ye 12th of Augst being grounded (as wee humbly conceive) upon some misrepresentation of matters of fact, wee think it our duty humbly to address his most gracious Majesty & set that matter in a true light: In the mean time we shall take the same under our consideration, and chearfully do every thing that shall appear to be for his Majestys Honour & the good of our constituents, which are inseperable. Wee are fully sensible that nothing will contribute more to the prosperity of ye governmt than a happy union between the several Branches of ye Legislature. Wee heartily thank your Excellency for Recommending what wee so much desire; by this means great things may be effected by small communities; this therefore wee shall earnestly strive after not doubting of your Excellencies assistance & humbly relying on Divine Providence to Crown all our Indeavours with success.

Sent up by Mr. Thomas Wiggins, Mr. Amos Seavey & Mr. Stephen Jones.

Voted that the Revd Mr. Saml Langdon & the Rev. Mr. Saml Haven be desired to pray with this House (at about 10 of the clock in the forenoon) alternately during this session or sessions & that Mr. Russell & Seavy acquaint them thereof.

Mr. Secretary came into the House & informed the House that Mr. Robt Clerk being returned as a Representative for Londonderry was a member of the House & that he had taken the oaths appointed to be taken instead of the oaths of Supremacy and allegiance and that he had subscribed the said oaths & the Declaration.

[p. 50.] Thursday 27th of Novr 1755. Met according to adjournmt.

His Majesty's Additional Instruction of ye 12th of Augst to his Excelly being read:

Province of New Hampr } In the House of Representatives Nov. 27th 1755.

Whereas it appears by his Majesty's Additional Instruction to his Excellency the Govr of ye 12th of Augst that it has been unjustly represented to his Majesty "that the settlements on the fron-

"tiers of this Province have been greatly neglected & left ex-
"posed to the incursions of the St. Francis & other Indians,"
&c. & whereas ye distressing circumstances of this Province occasioned by the great expense & charge this Governm^t have been at in Protecting the Inhabitants on the Frontiers & more especially those settled at Charlestown or No. 4, & other places on Connecticut River with the vast expence & charge this Province has been & is still at in promot^g the Expedition to Crown Point loudly call for his Majesty's compassionate Regard, therefore,

[p. 51.] Voted, That Henry Sherburne jun. Esq. Mr. Thomas Wiggin & Capt. Thomas W^k Waldron be a Committee of this House to joyn with such as may be appointed by the Honble Council to prepare an Address to his most gracious Majesty & lay the same before the General Assembly as soon as may be, setting those matters in a true light & showing ye distressed circumstances of this Province at this critical juncture of affairs & the absolute need we stand in of his Majesties aid, & humbly & earnestly praying that his Majesty would be pleased most graciously to afford such assistance & Relief as he in his great wisdom may think meet.

Sent up by —— ——.

Mr. Secretary brought into the House his Excellency's message to both Houses of this day, & all the papers therein refer'd too, Copys of all which are on file.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 343.]

Gentlemen of the Council
& of the Assembly—

Mr. Secretary Atkinson will lay before you sundry letters, which lately came to my hands, viz. General Shirleys letter of the 7th Instant, with a copy of a report of both Houses of the Massachusetts Government refer'd to in said letter, Governor Fitch's letter of the 10th Instant on the State of our paper money, Issued for the Louisburg & Canada Expedition, Lieut Governor Phips letter of the 19th & Capt. Shirleys of the 24th Instant both of which relate to the Transportation of the Neutral French from Menis & Chenecto to His Majestys Colonys.

Gentlemen—

As the several matters & things contained in the above letters appear to me to be of great Importance to the Government, I thought it necessary to have the sentiments of both Houses thereon, I must therefore hope you will take the same under your immediate Consideration, that from your Resolves I may be furnished with answers Consistant with the Honour & Interest of the Government.

B. WENTWORTH.

Council Chamber in
Portsmouth 27th Nov^r
1755.

Letter from Gov. Shirley.

[Copied from MS. Gov^rs Messages, Vol. II. p. 345.]

Albany Novr 7, 1755.

SIR—

Having desired a Congress of as Many of the Governors as can conveniently meet together at the City of New York on the 20th of this Instant to advise with upon a Proper Plan of Operation for the next year as early as may be; I shall be very glad of your Excellencys Presence & assistance at it & would beg the favour of you to Let me have it.

As the Government of New Hampshire sent a Reinforcem^t to Crown Point in order to Push on the Immediate Reduction of that Fort, I can't but hope that they joyn heartily with the Gov^t of the Massachusetts Bay in Promoting that Expedition being forthwith preceeded upon according to the Inclosed vote.

I am with great Regard & esteem
Sir—
Your Excellencys most Humble
and most obedient Servant

W. SHIRLEY.

His Excellency Benning Wentworth Esq.

A True copy from the orignal.

Andrew Clarkson Clerk.

Letter from Lt. Govr Phipps.

[Copied from MS. Gov^rs messages, Vol. II. p. 347.]

Boston Novr 19th 1755.

SIR—

At the desire of Capt. Shirley Commander of his Majesties ship the Mermaid, I would acquaint your Excellency that the Neutral French, who were to be transported from Annapolis River to this Province appear to be twice as many as they were computed to be at first, when the Destination of the whole (including those of Menis & Chenectio) among the English Provinces & Colonies was agreed upon, so that this Province instead of having one Thousand, there will have two thousand persons sent hither besides thirty Families already arrived here from Chenectio, above what was at first intended: Now Capt. Shirley is at a Loss how to have these Supernumeraries disposed of & apprehend that some Part might with out Inconvenience to your Province be sent thither, & will write to your Excellency upon this subject, & desires me to do the same: & I hope your Excellency will think it may be for his Majesty's Service (if not convenient for your Province) that some part of these French People should be received into the same—

I am with much Respect—
Sir—
Your Excellencys most
Obed^t Humble Servant.

S. PHIPS.

His Excellency Benning Wentworth Esq.

A True Copy from ye original

And^w Clarkson, Clerk.

Letter from Gov. Shirley to Gov. Wentworth.

[Copied from MS. Corr. Vol. II. p. 329.]

Mermaid at Boston, Novr 24th, 1755.

Sir—

I should not presume to give you this trouble, if without your assistance I could contrive to dispose of the French Inhabitants, that I expect in dayly under the convoy of his Majesty's sloop Baltimore, who I left at Annapolis Royal for that purpose, myself & the Hornett sloop being obliged to come away for want of provisions.

You are undoubtedly sensible of the dangers these poor wretches must run in going round to New York, Philadelphia, Virginia, Carolina, &c at this late season of the year, and indeed, I cannot see a probability of a Convoy's keeping them under their protection, a tenth part of the way. Notwithstanding which I have kept the Hornett sloop of war in order to assist in convoying them to their several destinations, in case it should be thought too great a burthen to the several Provinces to the Northward to take off about Two Thousand men, women & children amongst them; It is on that head only, that I take this liberty of writing to you & must beg the favour to know what proportion, you imagine you can take of them, that I may the more easily judge how I shall dispose of them, & whether according to my former orders I shall send ye Hornett to England, or detain her here for the afores^{d} purpose, as also whether I shall lay up his Majesty's Ship under my command for the winter season, or keep her in readiness for that service. I shall be obliged to you for an answer, with all convenient speed as also that you will excuse this trouble & believe me to be, Sir, your most obedient &

Most humble servant—

His Excellency Wm. Shirley.

Benning Wentworth

Copy from the Original

Atts^{t} Andrew Clarkson, Clk.

Letter from Govr Thomas Fitch, of Connecticut.

[Copied from MS. Gov^{rs} Messages, Vol. II, p. 349.]

Norwalk 10th Novr. 1755.

Sir—

Upon the desire of the General Assembly of this Colony, I am to acquaint your Exc^{y} that this Gov^{t} has made ample provision to draw in and sink the small remainder of the out standing Bills of Credit on this Colony, comonly called old tenor Bills & that by virtue of an act lately passed the Bills of Credit on the Gov^{ts} of New Hamp^{r} & Rhode Island are not in any manner to be contracted for or have any currency after the first Day of Novr next so that the contracts made and accts kept after that Time in this Colony are to be in Lawfull money; That as these are in the hands of the Inhabitants of this Colony a considerable sum of the Bills of Credit on your Govm^{t} the Period for the Payment of which tis supposed & I apprehend must from the Date of their Emission be past, & that as our having those bills among us at a time when we are going into the use of a medium of Trade different in Value Denominations & Stability will be attended with great Inconveniences—

You will be pleased on this occasion so Interesting to this Colony & wherein public justice & honour are concerned to permit me to request your Exc^{y} to Lay this affair before your assembly for their consideration & to signify to them that we cannot doubt but that as the time for Calling in and Discharging those Bills is past, & considering the many Inconven-

iences which will attend their lying in the hands of the Possessors among us & the losses & public Injustice that will thereby happen: your assembly will take some effectual Care and make some just and Equitable Provision for Drawing in & discharging those Bills or if that be already done make some Public Declaration for the information of those concerned—in Distant places—if proper and just measures for these purposes are come into by the respective Goverm^{ts} which have Bills out standing it will I apprehend be a means to prevent Disputes and Difficulties that might otherwise happen to arise between them & Cultivate & improve the Affection & Good Harmony now subsisting which we desire may be rendered yet more and more firm;—I presume it would be unnecessary if not a Reflection on the Honour & Justice of your Legislature to offer Arguments or Reasons on this Occasion or even to suppose it necessary to perswade the Gov^{t} in so clear a point I perswade myself your Exc^{y}. will view these matters in the Light I Do & from your known Zeal to promote His Majesty's service can make no Doubt of your Influence in so Equitable a measure for the comon good of His Majestys subjects in these Gov^{ts}

I am sir—

with great respect your Exc^{ys}.

M^{t} H^{ble} & M^{t} ob^{t} serv^{t}

THOS. FITCH.

A true copy from the Original

Att^{s}

Andrew Clarkson, Clerk.

Report of Committee in Massachusetts, &c.

[Copied from MS. Gov^{rs} Messages, Vol. II, p. 353.]

Province of
ye Massachusets Bay } The Committee appointed to take under consideration the several Letters & papers Rec'd from His Excellency Govr Shirley and Major Genl Johnson, Have maturely considered the same, & have likewise fully discours'd with Coll. Ruggles, who lately left the army destined for Crown Point concerning the situation and Circumstances of it and are upon the whole of opinion, that it is expedient the army should proceed immediately upon the expedition, & that the Comissary of War make the Necessary Provision for this purpose & in order more effectually to carry the Design into execution, that it will be expedient, that three Gen^{ts} of weight and Influence should forthwith repair to Albany to Correspond with the Committee of war here, and forward the necessaries to the army and if need be to purchase each article as may be wanting upon any emergency or such as cannot so well be sent from hence, and that the other Governments concerned in the expedition be acquainted with these Resolutions and desired to joyn some Gentlemen from each of them respectively to carry on the same design.

The Committee are further of Opinion that as his Excelly Governour Shirley now is or will very probably soon be at Albany His Excellency be desired to use his Weight & Influence with all concern'd in the execution

of this important Plan, in order to engage them to proceed with Resolution & Dispatch. In the Name and by order of the Committee.

J. Osborne.

In Council Octob^{r} the 27 1755. Read & sent down.
In the House of Representatives Octob^{r} 27th 1755 Read and order'd that this Report be accepted.

Sent up for concurrence
T. Hubbard, Speaker.

In Council Octob^{r} 27th 1755 Read & Concur'd

Thos Clarke D^{y} Sec^{y}.

Consented to— S. Phips.
Copy from the Original—

Andrew Clarkson, Clerk.

Province of }
New Hamp^{r} } In the House of Representatives, Nov. 27th 1755.

Voted, That Thomas Millet Esq. & Capt. Thomas W^{k} Waldron be a Committee of this house to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excellencies Message to both Houses of the 27th Inst. brought down this day by Mr. Secretary, that they prepare an answer thereto & lay it before the Genl. Assembly with all possible dis patch. Sent up by Mr. Knight. Adjourned.

[p. 52.] Friday, Nov. 28th 1755 P. M.

Province of }
New Hamp^{r} } In the House of Representatives, Novr 28th 1755.

Whereas there is absolute necessity of raising a large sum of money for the defence of the Frontiers of this province against the common enemy & whereas it appears highly reasonable that the Lands protected & benefited thereby should pay a proportion to the charge of the protection & defence thereof,

Voted That there be a Tax of one penny pr Acre upon all the lands within this province that are granted or laid out into Townships or otherwise improved or unimproved for two years, to be applyed to & for the use aforesaid agreeable to the order of the General Assembly & such other uses as they may order & to be collected in such way & manner as the General Assembly may agree upon, & that Eleaz^{r} Russell Esq. Mr. Jno. Knight & Mr. And^{w} Clarkson be a Committee of this house to joyn with such as may be appointed by the Honble Council to draw up an act accord ingly, and further,

Voted, That when a suitable act has passed all the three branches [p. 53.] for the end aforesaid, that then his Excellency the Capt. General be desired to cause to be inlisted or impressd ten good ef fective men to be posted at Charlestown till further orders of the General Assembly, & that such further provisions of men be ime-

diately made for the Defence of all the other Frontiers of the Province as may be agreed upon by the General Assembly. Sent up by Mr. Wiggin, Saturday ye 29th inst.

[P. 54.] Province of New Hamp^r } In the house of Representatives Dec. 2, 1755.

The petition of sundry of the inhabitants of the town of Exeter representing unfair practices at their last meeting for choice of Representatives being read, and all the parties & their evidences being heard thereon according to the order of this house Novr 26th 1755, and the subject matter of said Petition being fully debated in said house—

Voted, That the election of Col. Peter Gilman & Mr. John Phillips was unlawful and that it be accordingly set aside, and that a Precept go forthwith from ye Speaker of this House to the Sheriff of the Province requiring him to send a precept to the selectmen of Exeter, requiring them to Summon the Freeholders of s^d Town of Exeter to convene together at some convenient place in said Town (giving them eight Days Notice at least) & to choose two suitable Persons to represent them in General Assembly of said Province now setting & to Direct them to notify said persons so chosen to give their attendance in this house on Wednesday the 17th day of Decr inst. if the General Court be then setting, if not on the first day of the setting of the Court afterwards & to make Report of their doings therein unto the sheriff of s^d Province at or before the s^d 17th day of Decr Inst. which Report the Sheriff for the time being is hereby ordered to deliver to the Speaker of this House on said Day.

Wednesday, Dec. 3 1755.

[P. 55.] Mr. Secretary brought into the house three letters from Genl Johnson, from the Camp at Lake George, Dated Octob^r 6th, 22^d & 31st day, & one from Col. Gilman Dated at Albany, Nov. 3^d, 1755 & left y^m with the Speaker. (1)

Letter from Maj. Gen. Johnson to Gov. Wentworth.

[Copied from MS. Corr. Vol. II, p. 331.]

Camp at Lake George 4 Novr 1755.

SIR—

A few days ago I Rec^d your Excellency's favour of the 25th Sept. inclosed in a letter from Col. Gilman, at Albany.

(1) NOTE. The letters above referred to cannot now be found, but the following from Gen. Johnson will be read with interest.—ED.

The activity and usefulness of Colo. Blanchard's Regt would prejudice me in favor of any other from your Province.

By Colo. Gilman's Letter I find the stores and provisions for his Regt were not arrived and that the people were inlisted only to the 5th of next month. Since the visit which the enemy paid us here we have been keept extremely short of bread, & tho' Sr. Charles Hardy, Govr of New York, came up to Albany purposely to invigorate and forward everything at Albany & has exerted his authority in the strongest manner he could, yet waggons have been so scarce, the roads at this season of the year so bad, & the horses about the country quite beat out, that we have had only a bare supply of bread for present consumption; and tho' the men have been at short allowance for some time past we have not above four days Bread now in Camp. For these reasons and some others, the Council of War advised me to order the Reinforcemts that were at Albany to remain there till further orders.

Colo. Gilman in the letter which covered yours wrote me that as he was informd, We should not go forward this Fall, he was desirous of marching his Regt back before full winter should set in, which would be most for the health of his people and be some saving to the Province. The Govr and Council of New York at Albany gave also their opinion in favour of this measure. I laid both before a Council of war, who gave their opinion That it was not adviseable immediatety to dismiss the New Hampshire Regiment as it would greatly discourage the rest of the Troops, who are quite tired of their military life & exceeding earnest to return home, & also that as the state of their army and all circumstances relating to it had been transmitted to the several Governmts concerned for their Directions, which we are daily expecting, it would be most adviseable first to have the Governmts answer. I transmitted to Govr Phips this state of the army & desired he would send your Excellency copies thereof. It would have imprudently delayed time, to have wrote distinctly to ye several Governmts concerned.

It has been a mortification to me That I have not been able to correspond distinctly & frequently with your Excellency, but as ye Governmts concerned made no provision for a Secretary & Clerk, and no establishment for an Aid-de-Camp, Capt. Wraxall has acted in both these capacities without pay or Perquisite, and has had his hands continually full.

Our fort is pritty far advanced to its completion, it has met with many obstructions, and the men have been very backward in working there, which has been partly owing to several of their officers; it had the sanction of a Council of War and 700 were promised daily to work at it. I hope however it will be in a tenable condition in 8 or 9 days.

I am suspicious that as our opperations will not equal the hopes & wishes of the Publick, dissatisfaction & reproach will arise, but at the same time I am convinced all circumstances considered, We have done what has been in our power, at least I am fully conscious I have exerted my utmost influence & abilities to obtain every possible advantage & improve every circumstance for the public good. Want of Waggons, reinforcements pouring in & consuming the old stock of provisions & stores, their own not arriving in time, the late season & bad Roads, sickness, nakedness & hardships endured by the Troops and thereby disheartned—This was out of my power to remedy, nor are the consequences imputable to me. When all things are calmly weighed and considered, I believe it can be made appear, that this army has warded off the most fatal blow that ever threatned these neighbouring Colonies and tho' their Expences has been very great, it has not been ill laid out. I wish your Excellency every thing that is wish-worthy, and am most respectfully

Sir, Your most obedt & humbl servant

WILLIAM JOHNSON.

To his Excellency Govr Wentworth

Copy from the original,

Andrew Clarkson, Clerk.

Thursday, Dec. 18th 1755.

[p. 56.] Mr. Seavey went with an oral message to his Excellency to inform him of two members in the house not qualified: soon after Mr. Secretary came into the house and informed the house his Excellency desired to see the precept by which the new members were called. The said precept was sent up by the Clerk, soon after Mr. Secretary came into the house & inform'd the house that Mr. Stephen Jones jun. a member return'd for Durham & Mr. Zebulon Gidding, a member returned for Exeter was qualified members of this house & that they had taken the oaths appointed to be taken instead of the oath of supremacy & allegiance & that they had subscribed the said oaths & ye Declaration. Capt. Elisha Winslow, Capt. James Neal & Capt Summersbee Gilman, each of them [p. 57.] brot into the house their muster Rolls for soldiers under them being employed on Connecticut River &c. to all which they severally made oath in the House.

Friday Dec. 19th, 1755.

The house met according to adjournment.

Whereas it appears probable that the money already granted to his Majesty for defraying the charge of the Crown Point expedition will not be sufficient, Therefore,

Voted That seventeen hundred & forty sheets of the large plate be struck off as soon as may be by the Committee heretofore employed on that service & the said seventeen hundred & forty sheets be put in the Province Box & remain there for the order of the General Court. Sent up by Capt. Jona. Moulton.

Voted That Capt. Tho. Wk Waldron & Andrew Clarkson be a Committee of this house to examine & settle the muster Rolls already bro't in of Capt. Winslow, Capt. Gilman & Capt. Neal. The house adjourned till 3 o'clock.

P. M.

[p. 58.] Province of New Hampr } The committee appointed to take under consideration his Excellencys message of the 27th ultimo to both houses relating to his several letters, (viz.) Govr Shirley's of the 7th of November & a Report of both houses of ye Province of the Massachusetts Governmt of ye 27th of Octobr past, & Govr Fitche's of the 10th of Novr & Lieut. Govr Phips of 19th & Capt. Washington Shirleys of the 24th of the same month, have maturely considered the same & do Report as followeth, viz.

That Govr Shirleys letter & the Resolve of the Massachusetts Comtee came so late to hand that it was not in the power of this Province to act any thing on that important affair. And as to Govr Fitch's Letter relating to large sums of our Province Paper currency now passing in the Governmt of Connecticut Colony and that this Province will take some effectual means to Exchange sd Bills, We are of opinion, that as the several periods for sinking our Province Bills are not yet expired, therefore

that matter must still ly for a further consideration. And as to Leut. Govr Phips & Capt. Shirleys Letters relating to receivg into this Governmt a number of the nuteral French brought up from Menis & Chenecto, as to which we are of opinion it would not be for his Majesty's interest to receive any of said French people into this Government, it being a long Frontier & but thinly inhabited & so near to the French & Indian settlements that it would be of a dangerous consequence to this his Majesty's Province.

In the name & by order of the Committee

D. Warner.

Portsmo, Decr. 19, 1755. [Report accepted.]

[p. 59.] Saturday Decr 20th 1755.

Whereas it appears probable that the money already granted to his Majesty for defraying the charge of the Crown Point Expedition will not be sufficient

Therefore Voted, That one Thousand sheets of the Large Plate be struck off as soon as may be, by the Committee heretofore employed on that service & the said One thousand sheets be put into ye province Box, & remain there for the order of the General Assembly. Sent up by Mr. Hale.

Voted That the Key of the Province Box and the Recorders Bonds in the hands of the Honble Meshech Weare Esq. be put into the hands of Henry Sherburne jun. Esq. Speaker of this House and that Mr. Josiah Bachelder be & hereby is impowerd to Receive them from Mr. Weare & deliver them accordingly.

[p. 61.] Wednesday, Dec. 24th 1755.

Mr. Secretary came & informed the house 'twas his Excellency's orders to him to adjourn the General Assembly to Tuesday the thirtieth day of Decr inst. to 10 o'clock in the forenoon, and accordingly adjourn'd the same.

Wednesday Dec. 31st, 1755.

Met according to adjournment.

[p. 62.] Mr. Secy came and inform'd the house that Saml Emerson Esq. (who was return'd as a Representative for the Town of Chester) was a member of this house & that he had taken the oaths appointed to be taken, instead of the oaths of Supremacy and Allegiance, and that he had subscribed the said oaths & the Declaration.

Mr. Secy brought into the house his Excellencys message of this day to both Houses, and left it with the Speaker—wch is on file.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, p. 357.]

Province of
New Hampshire.

Gentlemen of the Council and of the Assembly—

You are all sensible that large sums of the money Issued for the Canada & Louisbourg expedition are yet passing & you are likewise, from the measures that have been taken, fully acquainted with the sums of counterfit Bills that are passing in all Quarters of the Government that have been made in Imitation of the Genuine bills of the emission above referred to—

To prevent the passing of these counterfit bills, well deserves your closest attention, & unless it is speedily effected there is great danger of their obtaining, as well in public as in private payment, by which means the Provincial debt will be greatly Increased & many evils will arise to the Government, which proper provisions now may in some degree prevent.

B. Wentworth.

Council Chamber in
Portsmouth December 30th 1755.

[p. 63.] Thursday, Jany 1st 1756.

The house met according to adjournm^t.

Mr. Sec^y came & inform'd the house that Coll^o Peter Gilman (who was return'd as a Representative for the town of Exeter) was a member of this house & that he had taken the oaths appointed to be taken, instead of the oaths of supremacy & allegiance, & that he had subscribed the said oaths and the Declaration.

[p. 64.] Friday, Jany 2^d, 1756, P. M.

Henry Sherburne jun. Esq. speaker being present, Mr. Sec^y bro't into the House his Excellency's message to this house of this day, relating ye Justices of ye Sup^r Court(1)—on file.

Upon motion's being made that the house might be adjourn'd for a short time, that the members might converse more freely on the subject matter of his Excellency's message of this day, to this house, accordingly Mr. Speaker adjourned for a Quarter of an hour.

The House met according to adjournment.

Mr. Speaker adjourn'd the house till 9 o'clock tomorrow morn^g.

(1) This message of the Governor cannot be found.—Ed.

[p. 65.] Saturday Jany 3^{d} 1756.

The house met according to adjournment.

Resolved, That no member of this house shall be intitled to any pay for the first day of the sitting of the sessions, If he's not present to answer to his name when called either in fore or afternoon, and likewise

Resolved, That no member of this house be allowed pay during their sitting at any time, unless he's present to answer when called over one part of the day, except he give a sufficient reason satisfactory to this house for his absence.

May it please your Excellency—

The House having taken into consideration your Excellency's message of the 2^{d} Instant, beg leave to say in answer thereto that they find by ye Journall of the last Assembly that there was a vote passed & sent up to the Honble Council for Dividing the Province into Counties, and making an allowance for the Judges of his Majesty's Superiour Court. This house humbly conceives the Difficulties and hardships which his Majesty's subjects of this Province are put to in being obliged to come from all parts of the Governm^{t} to Portsmouth to attend upon the several Courts (which at present are all held in one Town) are so great that they cannot in justice to their constituents consent to any allowance for the Justices of his Majesty's Sup^{r} court untill a suitable act be passed to divide the province into Counties.

Voted, that the preceding message be sent to his Excellency in answer to his message of yesterday. Sent up by Messrs Clark & Richardson.

Capt. Waldron was sent with an oral message to the Board to know, If there was anything done Relating the penny vote on Lands agreeable to the vote of this house Novr 28th 1755, who returned & informd the house, that they should send an answer immediately.

Soon after Mr. Sec^{y}, the Honble Daniel Warner, Richard Wibird & Joseph Newmarch Esqs. came into the house, & Mr. Sec^{y} Delivered the following message orally, viz.

[p. 66.] The Council could by no means see their way clear to come into such an act as to lay one penny per acre on all the lands in this Province agreeable to the vote of this house of ye 28th of Novr. 1755, as they look upon it unjust, as well as unreasonable, for thereby the poorer sort of people would pay the Bigest Tax & instanced Chester, Londonderry, Nottingham & Rochester &c. &c. And after he had delivered the message more fully than is expressed above he referr'd the house (for the subject matter of what he had said) to the message of the Honble Council of ye 17th Jany. 1755, to the late Assembly on the same occation, a copy of which he left with Mr. Speaker & is on file, and to a written message which should be sent to this house.

Mr. Zebulon Giddings was sent to Council Board to desire that the message of the Council to this House of the 3^{d} Inst. might be

sent in writing. Mr. Sec^{y}. the Honble Daniel Warner & Richard Wibird Esq. came into the house and informed that the Vote for [p. 67.] one penny Tax pr acre on Lands was non-concurred by unanimous Vote, and that 'twas not customary for them to assign any Reasons therefor, unless when necessary to facillitate affairs.

Mr. Speaker adjourned the house till 3 o'clock,

P. M.

The house met: Voted that every member of this house, when the Speaker shall put any Question to him for his answer, shall say Yea or Nay immediately without entering into the merritts.

His Majesty's Additional Instruction & the sundry Petitions for granting men for the protection of the Frontiers on Connecticut River, having been read, the house took the same into consideration this afternoon.

Mr. Speaker adjourned the house till nine o'clock tomorrow morning.

Wednesday Jany 7th, 1756.

The House met according to adjournment.

Voted That the Plate from which the Thirty & the fifteen Thousand Pounds for Crown Point Expedition was struck be immediately put into the Province Box & lay till further orders of the General Assembly. Sent up by Capt. Richardson.

This forenoon was chiefly taken up in inquiring into the charges in the Treasurer's Acc^{ts}.

Mr. Speaker adjourned the house till 3 o'clock

P. M.

Upon examining Mr. James Neal's muster Roll, it appeared that it consisted of more than there was any grant for, & Capt. Waldron was ordered by the speaker to inform Mr. Neal that he must make out his Muster Roll for thirty days only which is according to the Grant.

Voted, That Andrew Clarkson be & hereby is appointed Recorder of Deeds and Conveyances of lands for this Province for [p. 68.] the space of one year from the seventh day of Jany 1756 & untill the third day of the next sitting of the General Assembly after the expiration of the said Term, & that he shall not be qualified to act as Recorder afores^{d} untill he hath given Bond with sufficient surety's jointly & severally in the sum of Ten Thousand Pounds, unto Henry Sherburne, jun. ye Speaker of the House of Representatives, & taken an oath for the faithfull Discharge of the said office, & that the fee for Recording shall be twelve pence a page, each page to consist of Twenty eight lines, eight words in a line, and three pence for attesting such record & its being com-

pared with the original; and the same for a copy from the Record & the attestation thereof of it being compared with the Book, and that Richard Wibird, Daniel Warner, Eleazer Russell & Henry Sherburne jun. Esq. & Mr. John Knight jun. be a Committee, & that they or the major part of them take the Books & papers belonging unto the said office of Recorder, into their custody in case of the Death or Incapacity of the said Recorder or the expiration of the Term above mentioned & them safely keep untill further orders of the General Assembly. And it is further,

Voted, That the said Committee or the major part of them take a List of all the Books & Papers now belonging unto the said office & a Receipt for the same from the said Recorder, and that they be under oath for the faithful discharge of the trust & that a Duplicate of s^d^ Receipt be lodged in the Secretary's office. Sent up by Messrs Wiggins, Richardson & Emerson, ye 8th day of Jan^y^.

Mr. Speaker adjourned the house till 9 o'clock to morrow morning.

Thursday, Jany 8th 1756.

The House met according to adjournment.

Voted, That Eleazer Russell, Esq. be a Committee of this house to joyn with such as shall be appointed by the Honble Council to farm out the Excise upon Liquors within this Province to the highest bidder for the space of one year from the first day of Jany 1756 inclusively; That they give Publick notice in writing of the time & place of sale and take Bonds with suretys from the person to whom the same shall be sold, payable to the Treasurer of this [p. 69.] province for the time being quarterly, & take a Rec^t^ for the same from the Treasurer unto whom the said Bonds are to be deliver'd by said committee, and make Report of their doings to the General Assembly as soon as may be. Sent up by Messrs Wiggins, Richardson & Emerson.

Voted That there be a new Goal built in the town of Portsmouth in ye Province of New Hampshire, as soon as conveniently may be, of such materials & Dimensions as shall hereafter be agreed upon by the General Assembly, and that Eleazer Russell Esq. be a committee of this house to joyn with such as may be appointed by the Honble the Council to look out a suitable piece of ground to build a Goal upon & make enquiry what the same may be purchased for, and make Report thereof unto the General Assembly as soon as may be. Sent up by Messrs Knight & Moulton.

Mr. Speaker adjournd the house till 3 o'clock

P. M.

Whereas by the Act for the emitting the sum of Twenty-five

thousand pounds upon Loan, there is provision made by part of the interest thereof viz. the sum of Two thousand pounds for building a state house in the town of Portsmouth, which house is not yet built, & whereas it is necessary there be such an house built for the conveniency of the sitting of the General Assembly and the holding the several Courts in this Province, and whereas it is judged that the Parade so called, by the north meeting house [p. 70.] in Portsmouth, aforesaid is the most suitable and proper place to set the said house upon, Therefore

Voted, That it be set at said place or adjoining thereto as the situation of the place will best admit thereof, and that it be built of wood, agreeable to a plan return'd by a committee, March 17th 1753, and that Henry Sherburne jun. and Clement March Esqs. be a Committee of this House to joyn with such as shall be appointed by the Honbie the Council to let out the Building of said house to such person or persons as will build the same in the best manner & at the cheapest rate not exceeding the said sum of two thousand pounds, and that if it be let out, to draw out of the Treasury the said sum of two thousand Pounds for the use and business aforesaid, or so much thereof as shall be necessary, and that they render an account of their proceedings relating to the said affair unto the General Assembly from time to time as the circumstances of the case shall be.

Sent up by Messrs Seavy & Chamberlain.

Fryday Jan. 9th, 1756.

Mr. Robert Memurphy of Londonderry, Execr to John Memurphy Esq's. estate (of Londonderry) bro't into the house Ninety [p. 71.] Five pounds in Bills, in imitation of Bills of this province, all which were counterfeit, which he found amongst his late fathers papers, and wch he said, John McMurphy Esq. as a Justice of a peace of this province had stopt, in his hands, from sundry persons,—which the house received, and

Voted, That the same be burnt to ashes in the face of this house, which was accordingly done.

Major Bellows bro't into the house a letter from Collo Hinsdale and acct of Billeting men under command of Messrs Winslow & Neal at Connecticut River, both sent to his Excellency & Committee of war, and said he pray'd the house would make some further allowance pr day for Billeting said men then 1*s* 6*d* pr day wch is according to the vote of the late Assembly Augt 1, 1755.

The Question being put whether the house would make any further allowance, it passed in the negative by a great majority.

Letter from Col. Hinsdale.

[Copied from MS. Corr. Vol. II. p. 347.]

Hinsdale, Decr 23d 1755.

To his Excellency Benning Wentworth, Esq. Capt. Genl and Commandr in chief, and ye Honourable the Committee of Warr for the Province of New Hampr.

May it please your Excellency & Honours—

Your Excellency was pleased to order me the Billeting Capt. Winslow & men while in these frontiers, as also Capt. Neal & company while at my Garrison and places adjacent.

These inform that correspondent to command they have been all subsisted here during their stay & furnished with provisions on their return to carry them home, by myself and my order, excepting the time of Capt. Neal's men stay at Charlestown which your Excelly informed me Lieut. Parker would provide for with the inhabitants.

I humbly submit my Enclosed acct to your Excelly & Honours consideration, having subducted the time they were at Charlestown hearing Mr. Parker has wrote for the same—as also the time of Majr Bellows subsisting of them understanding by him he would choose to take the pay at Portsmouth.

Your Excelly & Honours may observe I have not carried out the subsistance either Garrison or marching at any certain sum but have left them Blank for your Exelly and Honours to order the filling up.

Inasmuch as neither the 6*d* pr day your Excelly wrote me was proposed for their allowance while with us, nor the 8*d* per day I hear is allowed for marching allowance, is anywise equal to the cost of our provisions, I can but hope your Excelly & Honours will set each at a higher rate.

Its true our Necessity was such yt we could not live here without men to protect us, neither could we get away with safety, but yet we would hope no Gentn would take this advantage of our necessity to oblige us to subsist the men for vastly less than the provisions cost us (which we are oblig'd mainly to buy for that end.) Thus to do would be to starve us and destroy what little subsistance we have under a pretext of guarding us against our enemy who are seeking the destruction of both.

I therefore intreat your wise and just consideration of this affair & that such an allowance may be made both for Garrison and marching men here as will be in some measure adequate to the charge & cost of the sd mens being subsisted by my neighbors &

Your Excelly & Honours most dutifull servt.

EBENEZr HINSDALE.

[p. 72.] Saturday Jany 10th 1756.

The acct of Col. Ebenr Hinsdale & others for billeting soldiers on Connecticut River amounting to two hundred forty three pounds nineteen shillings being brought into the house was read, and on a motion's being made that the said acct ought not to be allowed as it then stood charged, for that the Billeting of Capt. Neal's men yt was sent out by ye Council for wch there was no grant was charged there, and it ought not to be paid.

Mr. Speaker put the Question whether the acct should be allowed as it then stood charged, & it passed in the affirmative.

Voted, That the same be paid out of the money that is or may be in ye Treasury for the defence of the Frontiers.

On motion's being made by Capt. Wentworth and others (that was absent when the above Acc^{t} passed) that it might be reconsidered, &

Voted, That the same be reconsidered, & the question being put round again whether the Acc^{t} of Coll^{o} Eben^{r} Hinsdale for Billeting of soldiers should be allowed as it then stood charged, & it passed in the affirmative a second time by two votes. Sent up Jany 13th, 1756 by Mr. French.

Mr. Speaker adjourned the house till Monday 3 o'clock P. M.

Wednesday Jany 14th, 1756.

[p. 74.] Mr. Sec^{y} bro't into the house his Excellency's message to both Houses of this date (which is on file) and the several papers therein referrd to, all which was immediately read, viz. Copy of a Council of war, copy of Capt Thos. Poor's Report, Proposalls for an attempt on Crown Point & Ticonderoga, Major Genl Shirley's letter 30th Decr 1755, also on ye 2^{d} Jany 1756, & Provincials Proportions for 10,000 men.

Governor's Message

[Copied from MS. Gov^{rs} messages, Vol. II. p. 359.]

Gentlemen of the Council and of the Assembly—

The several papers which you will laid before you, with this message are Relative to an expedition Immediately to be undertaken against Crown Point and Ticonderoga, & the plan of opperation, for the next summers campain, all which I Rec^{d} from his Excellency Major General Shirley by express from New York, after you have duly weighed the Importance of the service intended to be carried into execution, please to Return the original papers the time not admitting to give you Copies thereof.

You will please to observe that this plan of opperation was generally advised to by a Council of war held at New York Decem^{r} 12 & 13th 1755, & as it appears to me to be for his Majesty's service, & so universally beneficial to all the colonys proposed to be concerned therein, it would be looseing time to use Arguments to perswade you to your Duty & Interest on this Occasion, or to demonstrate how necessary it is to use our utmost endeavours to restrain the growing power of ye French on the Continent, & to put an end to their further encroachm^{ts} on the Kings territories—

When you have taken under your Consideration, the Expedition to Crown Point & Ticonderoga, when you consider how interesting a point it is to all the Colonys, to exert themselves in making preparations for opening an early Campaign the next summer & when you consider how pleasing it will be to his Majesty that his subjects so vigorously pursue the measures he has directed to, I cannot doubt but you will cheerfully unite with the other Governments in ye several opperation advised to, &

I can almost with certainty assure you that such sums as are under proper direction expended by this Province will be Reimbursed by the Crown.

B. WENTWORTH.

Council Chamber in
Portsmouth, Jany 14th 1756.
Copy from the Original—
Andrew Clarkson, Cl^k.

Letter from Maj. Gen. Shirley to Govr Wentworth.

[Copied from MS. Corr. Vol. II, p. 333.]

SIR— New York, Decem^r 30th, 1755.

I now Enclose your Excellency a Copy of the Minutes of a Council of War, composed according to his Majesty's Instructions of Governors & Field Officers, held at this place the 12th & 13th Instant upon the operations of the next year's campaigne: which you will please to communicate either in the whole or part to your Assembly according to your own discretion: I doubt not but your Excellency will Recommend to them in the strongest terms to raise their just Quota of men and money towards carrying so sallutary a Plan into Execution, wch if done with vigour & in its proper season they must be sensible will, under the Blessing of the Divine Providence upon his Majesties arms, lay a most lasting foundation for the security of all his Majestys Colonies upon this Continent against the future attempts of the French and to the most effectual means of fixing the Indians of the *far* Nations as well as those of the Six in the English Interest.

I can't but hope, Sir, that the several Governments will see the operation proposed for the next year's campaign in its just light. If they do that, it seems clear they must consider the carrying of the Inclosed plan into Execution to be the only effectual means of stoping the growing Incroachments of the French with which the English Collonies are at present surrounded; that the next year will, in all probability, afford them the only oportunity they will have for doing it, as it may be expected the French regular Troops will be very soon increased upon this continent; that if it is neglected, the French will be encouraged to push on their depredations & Incursions, and by reducing the English Colonies to a Defensive war involve them into greater expences than it would now cost to set limits to their Incroachments, and must finally threaten them with their Ruin.

Inclosed are the Proportions of the 10,000 men proposed to be raised for the Expedition against Crown Point according to the Plan settled by the Commissioners at Albany, wch tho' not perfectly equal seem to be the only proportions that can be made use of untill more exact can be formed which can't be done in time for the present purpose: all in-equalities must be equitably adjusted afterwards & sett right upon the first opportunity of doing it.

Your Excellency will perceive by the inclosed Proportions that those of Virginia, Maryland & Pensylvania are included, which I have wrote pres singly to the respective governours of those Collonies to recommend to their several Assemblies to raise, together with their Quotas of money towards providing the necessary carriages, Battoes & millitary stores of all kinds, but how far their contributing their Quotas of men toward this service may be depended upon seems uncertain. In such case for affecting the general service it will be necessary for the other Colonies to supply their defficiencies with a proportionable augmentation of their ow Quotas & rely upon such Reimbursements which I think can't fail of bein made to them in the end, as shall reduce the whole expense upon a

average from the beginning & so an equal Ballance among all the Colonies.

Your Excellency will be pleased to observe that the before mentioned Council of war are unanimously of opinion that 6000 Troops at least are requisite for the Expedition against the French Incroachments upon Lake Ontario.

As the situation & circumstances of the Province of Nova Scotia are at present such as require the strength of the three Regiments now posted there, even if they were compleat, to put it in a state of security, I can draw no Troops from thence for that service.

I shall therefore have no more troops for the service upon Lake Ontario than the two British Regiments with my own & Sir William Pepperells, the four Independent Companies posted at New York & the New Jersey Reigment of 500 men, all which, supposing each corps to be compleat, will amount to no more than 4900, which fall 1100 short of the number proposed by the Council and I hope the several Governments concerned will raise for the Expedition under my immediate command, over & above their proportions for that against Crown Point.

I am with very great regard, sir, your Excellency's most humbl and most obedt servt.

W. SHIRLEY.

Copy from the original,
Andrew Clarkson, Clk.

Proportions of the 10,000 men propos'd for the Crown Point Expedition, according to the Plan settled by the Commissioners at Albany.

[Copied from MS. Corr. Vol. II, p. 327.]

Maryland	1000
Virginia	1750
Pensilvania	1500
New Jerseys	750
New York	1000
Rhode Island	500
Connecticut	1250
New Hampshire	500
Massachusetts	1750
	10,000

Copy from the original
Attest,
Andrew Clarkson, Clk.

Letter from Maj. Gen. Shirley to Govr Wentworth.

[Copied from MS. Corr. Vol. III, p. 1.]

New York, Jany 2d, 1756.

SIR,

I enclose your Excellency a scheme for an attempt upon Ticonderoga to be made this winter.

I have fully and maturely considered it, & the more attentively I have thought upon it the more Practicable it appears to me, extraordinary disappointments, as a long succession of violent snow storms, or unusual breaking up of the ice in the Wood Creek & River beyond it, in the month of February, excepted; to some or other extraordinary unforeseen disappointments all undertakings of this nature must be subject.

I believe it will be agreed, that if the proposed forces and armaments arrive safely Ticonderoga & land between that and Crown Point, the carrying of the works & securing the French Troops at the former, will, from the account given of them in the inclosed Report of Tho's Poor's

who is esteemed by those who know him, a very intelligent officer and to be depended upon, be an easy task and take up a very short time, perhaps not many hours; and I think it extreamly improbable, by all accounts we have had, that the French should have erected any strong work *work* upon the Eminance which commands Crown Point, the making ourselves masters of the former of wch would probably be soon followed with the surrender of the latter, I can't see why the taking of Crown Point itself wch is not above 16 miles distance from Ticonderoga, should be despaired of.

As to the conveying of the Troops & armaments to Ticonderoga in due season, that seems chiefly to depend upon collecting the number of slays requisite by the second week in February and clearing the Wood Creek from incumbrances above the level of the Ice so as to give a passage of a 100 men or less in a day or two at furthest, the portage or carrying place at the falls of the Wood Creek is not above 300 yds. And as the men will be transported in slays, the whole passage will not take up above six days, and but three of those at most between Fort Edward and Ticonderoga, so that the men, if provided against the inclemency of the season as proposed will not be greatly harrassed by this conveyance to Ticonderoga, & their Incampments in going to it; and upon their arrival there, they will find good cover ready for the greatest part if not all of them from the enemies works.

As the forces which are designed to be employed to make the proposed attempts, if they succeed will, I aprehend be strong enough to hold either Ticonderoga or Crown Point untill they are re-inforced from the Collonies, especially as the French can't be re-inforced by water carriage over the Lake Champlain wch at that time hath an ice upon it that will prevent it from being navigable & not strong enough to bear the weight of either stores, provisions or men, & by the time the waters of it shall be open, our vessel & Boats may enter the Lake and command the navigation of it.

The train of good conveyances wch the gaining of Crown Point or even Ticonderoga this winter by the proposed attempt would draw after it by lessening the expences & difficulties wch an attack of either in the summer would be attended with, giving spirit and vigour to every other part of the general service in the ensuing year; the effect it would have upon all the Indians in general, retrieving the reputation of the English arms in North America, & lowering the presumption and vaunts of the French, is too obvious to need being particularly observed upon.

If it should be thought that the forty days provisions is too scanty a stock for the subsistance of the Troops till the Ice will be broke up, it is highly probable that a party of the Slays might make a second Trip upon the Ice with an additional supply of Provisions before Ice is broke up.

It is most evident that the effecting this service will depend upon each of the Govts concerned immediately upon receiving this Express, raising their respective Quotas of good men for it with proper officers to command 'em, and fitting them out in time to Rendezvous at Albany by the first week in February wch I can't but hope will be comply'd with in the most ready & chearful manner, as the general interest of all the Eastern Colonies in particular is so deeply concerned in the event.

I propose to set out from this place for Boston the ninth instant.

I am with very great esteem & regard,

Sir, your Excellencys most humble & most obedient servt,

W. Shirley.

His Excellency, B. Wentworth.

P. S. I need not observe to your Excellency how necessary it is to have this scheme kept secret except to the Assembly, I beg leave to repeat that I look upon the success of every part of his Majesties service in the ensuing year to depend very much on the Execution of the attempt proposed to be made against Ticonderoga & Crown Point this winter.

I beg the favour of your Excellency's answer as soon as possible to me at Boston, from whence I will answer the last letters I had the honour to have from your Excellency.

Copy from the original,—
Andrew Clarkson, Clerk.

Council of War.

[Copied from MS. Corr. Vol. II. p. 337.]

At a Council of War held by his Excellency William Shirley Esq. General and Commander-in-chief of all his Majesty's forces in North America, at New York on Friday ye 12th day of December 1755,

Present

His Excellency WILLIAM SHIRLEY, Esq. General, &c.
His Excellency Sir CHARLES HARDY, Knight, Governor and commander in chief of the Province of New York.
The Honble HORATIO SHARPE, Lieut. Govr. & Commandr in-chief of the Province of Maryland.
The Honble Robt. HUNTER MORRIS, Lieut. Govr. and Commander-in-chief of the Province of Pensilvania.
The Honble THOMAS FITCH, Governor and Commander-in-chief of the Colony of Connecticut.
Col. THOMAS DUNBAR
Major CHARLES CRAVEN
Sir JOHN ST. CLAIR, Deputy Quarter Master Genl.
Major JAMES KENNIER
Major JOHN RUTHERFORD

The General's Commission being read together with part of a Letter to him, Dated the 28th of last August from the Right Honble Sir Thomas Robinson, one of his Majesty's Principal Secretaries of State, and part of his Majesty's Seventh Instruction to the late General Braddock, several points of Rank which were moved by some of the members of the Council were settled. After which his Excellency adjourned the Council to the next day at nine o'clock in the forenoon.

Saturday December 13th 1755.

The Council met according to adjournment.

Present as before—together with Col. PETER SCHUYLER. His Excellency acquainted the Council that he had convened them to give their opinion and advice upon a plan of operations which he proposes for the next year's campaigne. In order to effect the several services he is directed by his Majesty's Instruction to carry into execution; that in order to inform them fully of the state of those services, it was necessary for him to acquaint them, that in his Majesty's said Instruction it is Declared:

1st That Whereas the French would in all probability endeavour to reinforce the several Posts they have on the Ohio River and on the Lakes to the westward of it, by sending Troops up the River Mississippi, it was his Royal will & pleasure, that as the season would allow the Troops to take the Field much sooner in the Southern Parts than in any other parts of his Colonys, the late General Braddock should begin his operations there as soon as the weather would permit; and was therefore Ordered to direct the Troops under his command to be carried up the River Potomack, as high as Wills's Creek, in order to proceed to Fort Du Quesne.

2d. That as soon as the late General should have been able to drive the French from their Posts upon the Ohio he should take proper measures for erecting a good sufficient Fort on the most convenient pass upon the said River, and to leave as strong Garrison consisting of the three Independent Companies then in Virginia, sustained by such a part or the whole of the Provincial Troops as he shall find necessary, to defend the same, and to protect the Indians in those parts as well as the settlements which had been broke up.

3d. That the next service which his Majesty directs and declares to be of the greatest Importance and therefore to demand the utmost care and attention, is the dislodging the French from the Fort they have at the falls and passes of the Niagara and the erecting such a fort there as shall for the future make his Majesty's subjects masters of the Lake Ontario, and that if for this purpose the said late General Braddock should think it necessary to have ships upon the said Lake Ontario, he should concert with the Commander-in-chief of his Majesty's ships and the Governors of New England and New York the manner and means of building and manning such Vessels as shall be most proper for that service.

4th. That it is in the said Instructions declared to be his Majesty's further will and pleasure, that in order to accelerate the Execution of so salutary an undertaking, the said General Braddock should, in case the Regiments intended to be Raised by Governor Shirley & Sir William Pepperell should be ready to act, before the French could be drove from their posts on the Ohio, to employ the said two Regiments in the immediate Reduction of Niagara & Crown Point.

5th That in case the said two Regiments of Shirley's and Pepperell's should not be raised & ready to act till the time that the service on the Ohio shall be finished, it is declared to be his Majesty's will and pleasure that if then the said General Braddock shall find it necessary to march his whole force to make himself master of the Posts before mentioned at Niagara, he should take the most prudent means of joining his said force with the British Bata'ions to effect that most essential and necessary service.

6th That if the said General Braddock should find that the two British Regiments would be sufficient for performing the service at Niagara, he might then employ the two American Regiments at the same time in dispossessing the French from their Posts at Crown Point on the Lake Champlain, which was the next point he was to endeavour to gain. But that no positive Instructions could be given him on this head, as he could only judge thereafter whether such a separate operation could be undertaken at the same time that he was making himself master of that most material one at Niagara, however that after he should have possessed himself of the Niagara forts and should have opened a safe communication betwixt that & Oswego it was his Majestys Will and pleasure, that the next service upon which he should proceed, should be—

7th The Reduction of the Fort at Crown Point, & erecting another upon the Lake Champlain in such place, as he should find most effectual for bridling the French Indians in those parts and for securing and protecting the neighboring Colonies.

His Excellency thereupon observed to the Council that the reason assigned in his Majesty's Instructions for ordering General Braddock to begin his operations upon the Ohio, seems to principally founded on some information which had been given that the support of the French forts and settlements upon that River is drawn from their settlements upon the Mississippi.

His Excellency the General then acquainted the Council that none of

the attempts made for effecting the before mentioned services in the last Summer had been carried into execution, but that these several before mentioned parts of the expedition ordered by his Majesty remained to be executed in the ensuing spring.

His Excellency then observed to the Council that the only practicable entrance which his Majesty's subjects have into the lake Ontario is at Oswego thro' the river Onondaga, which is the only harbour fit to receive vessels of any force that his Majesty hath upon the Lake and that Oswego is situated in the country of the Onondagas, which lies in tne middle of that inhabited by the Six Nations, and is the only trading House the English have for carrying on a commerce and correspondance with the western Indians.

That the only practible Entrance wch the French have into the same Lake, is thro' the River by them at first called the River Iroquois, but in some of their late Maps the River St. Lawrence & near Fort *Frontence*,(1) which is situated on the North East Edge of that Lake at about 50 miles distance from and nearly opposite to Oswego; that whilst the French are in possession of that Fort and the harbour with a free passage into the Lake thro' the river Iroquois together with their harbour at Tronto on the Lake, they will have it in their power to build and maintain Vessels of force upon the lake which unless his Majesty shall keep up at least an equal Naval force there may not only greatly anoy any fort which should be erected by his Majesty's subjects at the North East end of the pass at Niagara but endanger the loss of Oswego itself to the French which would inevitably be attended with the defection of the several Castles of the Indians of the Six Nations to the French interest in a short time, and with the loss of the whole country as far as Skenactady and very possible be soon followed with the loss of the Citty of Albany.

That from the best informations he can procure it appears to him that the French forts and settlement at Niagara upon Lake Erie and the Ohio, and even as far as Missilimackinac upon the lake Huron, are wholly supported with stores & provisions from Montreal by water carriage thro' the river Iroquois, and across the Lake Ontario; And not from the French settlements up on the Mississippi, which being at near the distance of 2000 miles from any of them, are too remote to afford them any support especially as the navigation from thence to the French settlements on the Ohio is against the stream and attended with other Difficulties in many places.

That consequently the Dislodging the French from Fort Frontenac and their small Fort at Tronto,(2) and barring up their entrance into lake Ontario thro' the river Iroquois, would cut off all their forts and settlements upon that and the other lakes and the river Ohio, from all support from Canada, without which they could not possibly long subsist.

That therefore his Excellency proposes the following plan of operations for the following year, viz.

That a body of 5000 Troops should be assemblyed at Oswego by the last week in April, and Fort Frontenac and Lagallette upon the river Oswegatie, attacked with 4000 of them in the beginning of May, leaving 1000 at Oswego for the protection of that place.

That after dislodging the French troops at Cataraqui and Lagallette they should be employed in taking the French Forts and settlements at Niagara, Presqu' Isle, the River Au Bœuf, the Detroit & Missilimackinac, And so secure the several ports there; That 3000 Troops should at the same time be march'd to Fort Duquesne by Land from Wills's Creek to attack that Fort.

(1) Probably Frontenac.—Ed.
(2) Now called Toronto —Ed.

That Crown Point should be at the same time attacked with 6000 Troops, a fort afterwards built on Lake Champlain, and one or more vessels of force to Navigate that Lake, and in order to divide the force of Canada more effectually, after breaking up all French settlements upon the River Chaudiere, with 2000 Troops about the same time to make a faint with them against Quebec, at the mouth of the s^d River, which is within three miles distance of that Metropolis situate on the oposite side of the River St. Lawrence.

His Excellency then desired the opinion and advice of the Council upon every part of the proposed plan and particularly whether the number of Troops proposed for carrying every part of the said Expedition into execution at one & the same time was sufficient, or whether any less or greater, and what number might be sufficient to do it.

His Excellency then observed to the Council that if the before mentioned attempts for the reduction of the French Forts and settlements upon the Lakes & Ohio and Crown Point should not be made at the same time, but one of them only carryed on at a time, these dangers would ensue, viz. If an attempt should be made on the Lake Ontario for the reduction of the Forts at Cataraqui and Niagara, &c. without any against Crown Point, the French would either lend the chief part of the whole force of Kanada to oppose it, in which case so large a Body of troops would be required to encounter it there, as would make the transportation of them and their stores and provisions to Oswego in time almost impractible, or else the French would muster so strong a force against Albany as might take it, & by that means likewise cutt off all communication betwixt that and Oswego, which must receive their whole support of stores and provisions from thence.

On the other hand, if any attempt should be made for the Reduction of Crown Point only and not against Cataraqui & Niagara &c. at the same time, Oswego, which from intelligence gained at that place appears to be the great object of the French, would be in danger of being lost to them in case they should bend their principal force against it; which loss would be an irretrievable one to the English, as it would not only be the loss of the country as far as Albany, together with the Six Nations, but give the French the Dominion of the Great Lakes and the whole southern country.

His Excellency then acquainted the Council that immediately before his departure from Oswego as well as since he had received intelligence that the French are building at least three large vessels of force in the harbour of Cataraqui, which together with those they had already built, will be much superiour to those built by us on the lake; whereupon he likewise desires the opinion and advice of the Council concerning his causing more vessels to be built and of a larger force upon the Lake than what his Majesty hath there already, and how many such vessels it is necessary to have built for gaining the mastery of that Lake.

The Council after taking these several matters into consideration gave it as their unanimous opinion:

1st That it is most essentially necessary at all events to secure the Navigation of the Lake Ontario, and from the intelligence the General has informed them he has already received of vessels building by the enemy at Fort Frontenac, that at least three vessels be immediately built at Oswego of as large a size & force as the depth of the water at the Entrance of the Harbour of Oswego will admit, and that on any future intelligence of the enemy's encreasing their naval force, that the General should build such and so many more vessels as he finds necessary for securing the mastery of that Lake.

2^d That one expedition be carried on against Crown Point and another against the French settlements and encroachments on Lake Ontario, and that both armies rendevoze at their respective places of destination, as soon as possible in the Spring.

3d That an army of ten thousand men will be necessary for the expedition against Crown Point.

4th That an army of six thousand men at least will be necessary for the expedition against the French encroachments on the lake Ontario, &c.

5th That as to the attempt proposed to be made upon Fort Duquesne, they are unanimously of opinion, that such a measure would answer very good purposes by availing the English forces of the assistance of that part of the Southern Indians which are still in alliance with them and preventing those in alliance with the French from opposing our operations to the Northward, and therefore advise the General to recommend it to the western governments to undertake an attempt upon that Fortress and to do it in such manner as will not in the least interfere with the Expedition already agreed on.

6th That as to the faint of 2000 men against Quebec by the way of the River Chaudiere, they are unanimously of opinion that it should be carried into execution, provided it can be done without prejudice to the other parts of the service already agreed on.

7th That with regard to the operations on lake Ontario, it was the opinion and advice of the majority of the Council that they be begun by the attack of Cadaraqui.

Lastly, The Council considering the several services to be carried on in North America are unanimously of opinion that an additional number of regular Troops will be necessary for effectually covering and securing his Majesty's Rights and Dominions upon this continent.

W. Shirley, Thomas Dunbar,
Chas. Hardy, Peter Schuyler,
Hor° Sharpe, Char. Craven,
Robt H. Morris, John St. Clair,
James Kinner,
John Rutherford.

Govr Fitch being obliged to goe out of Town before a fair copy of the minutes was made, is the reason why his name was not signed,—But he approved of the whole and promised to sign.

A true copy examined by
Wm. Alexander, Secy.

Copy from the Original,
Andrew Clarkson, Clerk.

Proposal for an Attempt to be made against Ticonderoge & Crown Point this winter.

[Copied from MS. Corr. Vol. III. p. 9.]

It is propos'd that 1150 men to consist of 950 Provincial Troops, and 200 Regular Troops pick'd for the service, with half the company of artilery and Engineers, and a proper train should make an attempt upon the french works at Ticonderoge & If found practicable, to proceed from thence to Crown Point & make an attempt upon that; The Troops to rendezvous at Albany the first week in February.—The men with their Baggage and Provisions for 40 Days, the Artilery & Ordnance Stores to be transported from Albany to Fort Edward, & from thence to woodcreek, & over that to Tionderoge all in slays which may take up six days.

The Provincial Troops to be provided with Tents, Blankets Woolen Waiscoats, Caps and Mittens two pair of Moggisons, & one pair of Indian stockings each.

Each Colony to be at the Expence of the pay, Armes, Clothing, Pro-

visions & Tents for their respective Troops & pay for Officers & seamen to man the vessels & whale boats here after mention'd.

The Crown to be at the Expence of 600 Slays Horses or other Carriages & ordnance stores & buildings one or more Vessels of Force sufficient to comand the navigation of the Lake Champlain together with Whale Boats all which it is proposed shall be begun to be built as soon as Tionderoge, or Crown Point is taken, & Launch'd into the waters as the Ice will permit.

The Provincial to be apportion'd as follows, Massachusetts Bay 300 Connecticutt 250 New York 200 New Hamp^{r} 100 Rhode Island 100.

The Provisions, Great Artillery & ordnance stores, Snow Moggisons & Indian Stockings, are already some at Albany some at fort Edward & others at Lake George.

One Commissary General of Provisions must be appointed for this Purpose, & a Clerk appointed by each of the Colonies.

Copy from the Original Andrew Clarkson, Clk.

Thursday Jany 15th 1756.

[p. 74.] Voted that Henry Sherburne jun, Peter Gilman Clement March Esqs, & Capt. Thomas W^{k} Waldron be a Committee of this house to joyn such as may be appointed by the Honble Council, to consider of the subject matter of his Excellency's message to both Houses of the 14th inst. & of the several pa-
[p. 75.] pers therein refer'd to and make Report to the General Assembly as soon as may be what may be proper to be done thereon. Sent up by Messrs Bachelder & French. [Concurred.]

[p. 76.] Mr. Sec^{y}, the Honble Richard Wibird, Danl Warner & Joseph Newmarch Esqs, came into the house to inquire into ye vote of the 7th inst. wherein Andrew Clarkson was chosen Recorder, to know if the house had any intelligence of any malefeasance in the late Recorder &c.

Messrs Bell, Knight & Moulton went with a verball message to the board in answer to the above message wch was that the house had not heard any complaints of the late Recorder.

The Honble Daniel Warner, Sampson Sheaff & Samuel Smith, Esq. came and informed the house that the vote for Recorder was non-concurr'd.

Mr. Speaker put the question, whether the house would proceed to the choice of a Recorder, & it passed in the affirmative, and

Voted, That Daniel Pierce Esq, be & hereby is appointed Recorder of Deeds & conveyances of Lands for this Province for the space of one year from the seventh day of Jany 1756, & until the third day of the next sitting of the General Assembly after the expiration of the said term & that he shall not be qualified to act as Recorder afores^{d} until he hath given bond with sufficient suretys jointly & severally in the sum of Ten thousand pounds unto Henry Sherburne jun Esq. Speaker of the house of Representatives,

& taken an oath for the faithful discharge of the said office, and that the fee for Recording shall be Twelve pence a page, each page to consist of Twenty eight lines, eight words in a line, & three pence for attesting such Record, & its being compared with the original, & the same for a copy from the Record & ye attesta-
[P. 77.] tion thereof of its being compared with the book & that Richd Wibird, Daniel Warner, Eleazer Russell Henry Sherburne jun. Esq. & Mr. John Knight jun be a Committee & that they or the major part of them take the books and Papers belonging unto the s^d office of Recorder into their custody in case of the Death or Incapacity of the said Recorder, or the Expiration of the Term above mentioned & them safely keep, until further order of the General Assembly, and it is further Voted, That the said Committee or the major part of them take a list of all the Books & Papers now belonging to the said office & receipt for the same from the said Recorder & that they be under oath for the faithful discharge of the Trust & that a duplicate of said Rec^t be lodged in the Secretary's office. Sent up by Messrs Smith, Jones & Wiggin, Jany 16th. [Concurred.]

Mr. Speaker adjourn'd the house till 9 o'clock tomorrow morn^g.

[P. 78.] Province of New Hampshire, Jany 17th 1756.

The Committee of both Houses appointed the 15th Inst. to consider of the subject matter of his Excellency's message to both Houses of the 14th Inst, & of the several Papers therein referred to, & to make a Report to the General Assembly as soon as may be, what may be proper to be done thereon by this Province

Do Report as follows, viz.

That in consequence of the said vote, we have had his Excellency's s^d message and the several Papers therein referred to before us, and are of opinion, that this Province ought to joyn with his Majesty's other Governm^ts in every well concerted scheme for removing all French encroach-
[P. 79.] ments from off his Majesty's Territories and to bear an equitable proportion of men for such services, Provided any way can possibly be prescribed to raise money to defray the charge.

As to the attempt upon Ticonderoga & Crown point to be made this winter, Proposed by his Excellency Govr Shirley's Letter of the 2^d instant, tho' we think it would be feazable was there time to effect it in season, yet as the circumstances of this Province at present are, think it quite impossible to have any men from this Province to be at the place of Rendezvous by the first week in Feb^y, the time proposed, for many reasons, there being scarcely twenty days to raise & march them two or three hundred miles at this season of the year, where they must march thro' an uninhabited country & with snow shoes, especially if we consider the difficulty of raising such men whose service may be depended upon, the greatest part of such men having been employed & absent from their families during the last summer, and are not all returned, the muster

Roles not made up nor the men paid so that 'tis not to be expected that they will again imediately engage as voluntiers, & by an act of Governmt, they may not be impress'd till one year after the late Expedition to Crown Point was over, & to press men unacquainted with long winter marches would be to disapoint the undertaking & destroy the men. We don't mention the quota assigned this Province under a pretence of the several Provinces being proportioned by the Commissioners at Albany, for which there is no foundation.

As to the other scheme for the next Summer campaign advised to by the Council of War holden at New York the 12th day of December last &c. we beg for further time to consider & Report thereon.

All which is submitted, by order

Theodore Atkinson.

This Report being Read, Voted, That it be accepted and sent up.

Sent up by Messrs Hale & Knight.

Mr. Speaker adjourned the House till Monday 3 o'clock, P. M.

Wednesday Jany 21st, 1756.

[p. 81.] The Honble Daniel Warner & Joseph Newmarch Esq. bro't into the house the Resolve(a) of the Council of this day & a letter from Josiah Willard Esq. to his Excellency dated at Dunstable, Jany 19, 1756, giving an acct of a body of Indians discover'd at the head of West River(1) &c. which is on file. Mr. Speaker adjourn'd the house till tomorrow morning 9 o'clk.

(a) Jour. Coun. Jan. 21, 1756. The Council came to the following resolve, viz. The Council taking into consideration the Dangerous condition the Inhabitants of the frontiers of this Province Especially those on Connecticut river are in, and considering his Majestys Directions set forth in his Instructions Dated at White Hall the 12th day of August last to his Excellency the Governour which hath been laid before this board and the General Assembly, and considering also that this Province may expect the same treatment from his Majesty's Enemies after the Disapointment of General Johnson in the Expedition against Crown Point as they have been and dayly are perpetrating against his Majesty's Colonys of Pensilvania & Maryland ever since the Defeat of Genl Bradock; these considerations backed with the Petitions, just fears & Intreatys of the People on the frontiers under their Present Distresses, moves his Majesty's Council as they think it their Bounden to his Majesty & faithfulness to the good People as well in the Inland Towns as the frontiers of the Province, being apprehensive that the former will soon be reduced to the Deplorable Condition of the latter, if the enemy should as 'tis most likely will make a Desent upon them without timely assistance and support of the Government: Wherefore Resolved that 'tis the unanimous opinion of this Board that it is necessary that a suitable Number of men be Posted in the most advantageous places for the Defence & protection of the frontiers,

(1) *West River*, in Vermont, called also Wantasticook, rises in Weston Vt. and pursuing a southerly course falls into Connecticut river, in the N. E. part of Brattleboro' Its branches afford much water power, and has fine intervale on its banks. It was formerly a place of frequent resort and depredations by the Indians on the frontier inhabitants.—Ed.

and further resolved that this resolution be sent to the Honble the Assembly together with a letter his Excellency rec^{d} this day from Josiah Willard Esq. Dated the 19th curr^{t} giving an acc^{t} of some late Discoveries made of the Enemy &c. which letter his Excellency directed should be read in Council & sent to the Assembly.

By order of Council

Theodore Atkinson, Sec^{y}

Which resolve was this Day sent down to the Assembly.

Letter from Josiah Willard to Gov. Wentworth.

[Copied from MS. Corr. Vol. III, p. 5.]

May it please y^{r} Ex^{cy}

I rec'd by express from Winchester (3 o'clock this morning) Information that the 9th Instant some Hunters discovered a small scout of Indians up West River and that since Northfield scout discovered a Large smoak that way at some distance from them which they Imagine to be an army coming down upon us which Last Intelligence came to Winchester Last Friday. I have likewise Information that them smoaks have been discovered every day since last Tuesday & that they draw nearer & that on Saturday last was supposed to be near the Crotch of west River which is ab^{t}. 30 miles up the same. On this Information I must wave my Return to Portsm^{o}. (which I Intended this day) and with all Posible dispatch get Home; the little scattered Flock are in Great Terror & I fear must fall a sacrifice to their Enemy. As soon as I see the event of this alarm (if I am well) shall Return to Portsm^{o}. For our Assistance I can mention Nothing Y^{r}. Ex^{cy} knows our situation & weakness for a Com Batt must begg y^{r} Thoughtfullness for us

I am y^{r} Excellency's most Dutiful
& most obliged Humble Servant
JOSIAH WILLARD.

Dunstable Jan 19th
1756 4 oclock in
the morning
His Excellency Govr Wentworth.

Thursday, Jany 22^{d} 1756, 9 oclock, A. M.

[P. 82.] The house met according to adjournm^{t}.

Daniel Pierce Esq. came into the house & give Bond for ye faithful discharge of the office of Recorder, and was sworn to the faithful discharge of said office by Clement March Esq.

The House taking under consideration ye Letter of ye 19th Instant from Coll^{o} Willard to his Excellency together with ye Resolve of the Honble his Majesty's Council of the 21 present (both sent to the house last evening) Do think with relation to the first that if the settlem^{ts} on Connecticut River *were* in Danger from an army imagined to be near them by a scout from Northfield the information came too late for any succour from hence, unless it had been tho't advisable to have detached a party of the militia from the nearest Regim^{ts} to their imediate assistance. As to the Instruction referr'd to in the Resolve of the Honble Council above mentioned we do not understand thereby that his most gracious Majesty in-

tends any thing out of our power in defending the Frontier Towns between Hudson's and Salmon Falls Rivers, but we understand thereby that provision should be made therefor adequate to our abilitys, which we think has been done (& even exceeded) by former Assemblys, whatever ye representations were that procur'd such an Instruction from the throne, but without hesitation we pass'd a vote which appeared to us the most equitable for the further protection of said Frontiers & particularly for that of No. 4, which the Honble Council nonconcurred, and that Instruction now lys for our farther consideration.

Lastly the deplorable state of the Frontiers of this Province if the enemy should make a Rout thereon, as has been done by to the southward of New York, will be matter of comiseration for every friend of the Province, but any stand in behalf thereof this Governm^t can make will be an insufficient aid in its present thin extended situation. Sent up by Mr. Seavey in ye afternoon.

This forenoon chiefly taken up confer'g on affairs of g^rt importance.

Mr. Speaker adjournd the House till 3 oclock

P. M.

[p. 83.] The Act for granting unto his most excellent Majesty the sum of one Thousand eight hundred pounds new tenor for & towards sink^g so much of ye money for carrying on the Canada Expedition, being read once:

N. B. In 1757, £450, In 1760, £975, In 1761, £375, is in all £1800.

The Resolve of the Honble Council of ye 21st Inst. sent to this House, wherein 'tis their unanimous opinion that it was necessary that a suitable number of men be posted in the most advantageous Places for the Defence & protection of the frontiers, Being Read,

Voted, That the same be concurr'd with this amendment, Provided any suitable way can be agreed upon by all the Branches of the Legislature to raise money for the defraying the charge thereof.

Sent up by Mr. Wiggins, the 23^d Instant.

Voted That his Excellency be desired to cause to be Inlisted or impressed fifteen Good able Bodyed effective men to be Posted at Charlestown or No. 4, so called, on Connecticut River & that the money for Defraying the charges thereof be draw'd for out of the Sterl^g money this Province has in England &c. &c.

Mr. Speaker adjournd the house till 9 o'clock tomorrow morn^g.

Fryday, Jany 23^d, 1756.

On motion being made by sundry members that the vote of yesterday relative to fifteen men being posted at Charlestown or No.

[P. 85.] 4, so called on Connecticut River &c. might be reconsidered, The Question being put it pass'd in the affirmative, and

Voted, That the following vote be sent to the Honble Council instead of said vote, viz.

Whereas this house by their concurrence with a Resolution of the Honble Council of the 21st Inst. have determined it necessary that a suitable number of men should be posted in ye most advantageous places for the Defence & Protection of the Frontiers &c. Provided any suitable way could be agreed upon by the Legislature of this Province to Raise money for Defraying the charge thereof,

Voted That an Impost or Duty of twenty shillings pr hogshead upon all Rum, and Twenty shillings pr Pipe upon all wine that shall be Imported into this Province, & also an additional Excise of Eight pence pr gallon on all wine, Rum, or other spirits that shall be sold by Taverners, Innholders & Retailers, & one shilling upon every Barrel of Cyder sold as aforesaid, & also a Duty or Excise of two shillings & six pence pr pound upon Green & Boha Tea that shall be sold by Retaile within this Province, and also that a Tax of one penny pr acre be laid upon all Improved & unimproved lands granted or Laid out within this Province—The money to be put into the Treasury as a Fund for Defraying the charge of support^{s} & Defending the Frontiers of this Province against the Enemy, as shall be agreed upon by the General Assembly, and that Mr Amos Seavey & Andrew Clarkson be a Committee of this house to join with such as may be appointed by the Honble Council to prepare a Bill or Bills accordingly to be in force for two years.

Sent up by Messrs Smith, Wiggins, Bachelder & French. Mr. Speaker adjourned till 9 o'clock, A. M.

Joseph Newmarch Esq. bro't down from the Council the above vote with the following minutes of Council thereon, wch he left with the Speaker, after being adjourned as above, which minutes were as follows—viz.

[P. 86.] In Council Jany 23d, 1756.

The foregoing vote Read & Concurred with these amendments, viz. That after the words "upon all Improved," the word (Land) be incerted & *Dele* the words "Unimproved lands granted or laid out."

The Council being of opinion that the Revenue that will arise upon other particulars couched in the said vote will be sufficient to answer the End proposed therein, & the Council having already given the house the reason why they could not joyn in laying a Tax upon the waste & unimproved Lands within this Province, & that Joseph Newmarch Esq. be of the Com^{tee} from this Board.

Theodore Atkinson, Sec^{y}.

[The above vote of Council nonconcurred.]

Saturday Jany 24th 1756.

The house met according to adjournm^{t} 9 o'clock, A. M.

The act for granting unto his most excellent Majesty the sum of one thousand eight hundred pounds new Tenor Bills of Credit on this Province for & toward sink^{g} so much of the Bills of Credit emitted by this Province for carrying on the intended Expedition against Canada, having been read a third time,

Voted That it pass to be Enacted. Sent up by Messrs Jones, French & Bachelder.

Wednesday, Jan. 28th 1756.

[p. 88.] Mr. Sec^{y} came & informed the house 'twas his Excellency's order to him to adjourn the General Assembly till Tuesday the seventeenth day of Feby next ensuing, & said accordingly, in his Majesty's name, we were adjourned.

[p. 89.] Tuesday, February 17th 1756, 9 o'clock A. M.

A number of the members being met, but not sufficient to make a House, [adjourned till

Wednesday February 18th 1756.

Mr. Sec^{y} bro't into the House his Excellency's Message for both houses of the 16th Inst.(1) & Mr. Thom^{s} Robinson Letter of ye 11th of Novr 1755, and a Resolve of the Assembly of New York of ye 28th of Jany 1756, & left them with the Speaker, and said they must be returned again. Copys of which are on file.

Resolve of the Assembly of New York, 28 *Jan^{y}* 1756.

[Copied from MS. Corr. Vol. III. p. 7.]

Assembly Chamber the 28th January 1756 P, M.

The House Resolved itself into a Committe of the whole House upon His Excellency's Message of the 27th Instant after some time spent therein Mr. Speaker resumed the Chair & Mr. Thomas Reported the Resolutions of the Committee thereon which he read in his Place and afterwards delivered in at the Table Where the same were again read and are as follows Viz. Resolved.

That it is the opinion of this Committee that for raising Paying & Subsisting one thousand effective men officers included & including the For-

(1) The above message of his Excellency, and the letter of Sir Thomas Robinson cannot now be found.—Ed.

ces in the pay of this Colony, now in Garrison at Fort Edward & Fort William Henry to act in Conjunction with the neighboring Colonies in making an attempt upon the French Fort at Crown Point in the ensuing spring there be allowed the sum of Forty thousand Pounds.

And the said Resolution being read a second time

Resolved

That the House doth agree with the Committee in the said Resolution.

Ordered that Mr. Cornell & Mr. Thomas wait on his Excellency with the foregoing Resolution—By order of the General Assembly.

Abraham Lott Jr Clk.

New York a true Extract Examd

By G. Banyar D. Secy.

Wednesday Feb. 18, 1756, P. M.

[P. 90.] Mr. Secy bro't into the house the Report of the Comtee for signing the money for the Crown Point Expedition, and the Petition of Ezra Carter & John Chandler in behalf of the inhabitants of Rumford, &—a(1)—from the Secy that ye one thousand Blank sheets was locked up in ye Province Box with the great & small plate from which they were struck.

Mr. Speaker adjourn'd till tomorrow 9 o'clock, A. M.

Thursday February 19th 1756.

Met according to adjournmt

The following Report wch was bro't down by Mr. Secy last evening being read, voted, That it be accepted.

Province of New Hampr } February 17th 1756.

The Committee appointed by the Genl Assembly to Receive of ye Committee appointed to Impress the thirty Thousand pounds for defraying the charge of the Expedition to Crown Point have Recd of the said Committee for geting the said sum impressed, the sum of twenty three Thousand pounds stamped on the Great plate & seven thousand Pounds stamped on the Small plate & agreeable to orders have signed the Same and delivered the whole Thirty Thousand Pounds into the Treasury & have taken the Treasurer's Rect for the same all wch is submitted.

Pr order of the Committee

Theodore Atkinson, of the Committee.

Province of New Hampr } To the Committee for signing the £30,000 for
1756, Feby 17 } the Crown Point Expedition— Dr.

To signing 4000 sheets of Great Plate at 2 1-4*d* pr sheet	£37 : 10.
To signing 6747 sheets of ye Small Plate, at 3*d* pr Do.	84 : 6 : 9.
	121 : 16 : 9.

Errors Excepted. In behalf of ye sd Comittee.

Theodore Atkinson, of ye Comittee.

(1) A single word here is illegible.—Ed.

[p. 91.] Province of New Hampr—In Council Feby 15th 1756.

The above Report read & accepted, and Resolved that the sum of one hundred and Twenty one pounds sixteen shillings & nine pence being the amt of the above acct be paid to the Said Committee out of ye money in the Treasury for carrying on the Crown Point Expedition. Sent down to the House for concurrence.

Theodore Atkinson, Secy.

Province of New Hampr. February 17th 1756. Received at sundry times into the Province Treasury of *the* Theodore Atkinson Esq. and others a Committee for signing the Bills of Credit emitted for defraying the expenco of the Expedition to Crown Point, thirty Thousand Pounds the first Emission.

£23,000. G. P. pr George Jaffrey Treasurer.
7,000. S. P. Read & concurred & sent up by Mr. Jones.

£30,000.

Province of
New Hampr } February 18th 1756.

In pursuance of a vote of Council & Assembly of the 20th Decr last, we have Recd from the Committee employ'd in getting the Crown Point money Impressed and struck off One Thousand sheets struck off from the great Plate & have Locked the Same in ye Province box in the Treasury. We have also Locked up in the Said box the Great & the small Plate from whence the said Bills were struck.

Theodore Atkinson Sec'y.

In Council Feby 18th 1756.

The above Report read and accepted & Resolved that the Said one thousand sheets remain in the Said Box unsigned till the farther Orders of the Genl Assembly.

Sent down for Concurrence.

Theodore Atkinson, Secy.

Read & concurred & sent up by Mr. Knight.

[p. 92.] Whereas the Persons appointed to make assessment on the Inhabitants of the Town of Bow for their Province Tax by Act of Governmt have refused & neglected to make the Same, Ordered That the Treasurer Immediately issue out his Extent against the Said persons agreeable to said Act.(1)

Copy of the above sent to the Treasurer by Clement March Esq.

The Petition of Ezra Carter & John Chandler in behalf of the Inhabitants of Rumford, being read

Ordered, That it lay till tomorrow for farther consideration.

(1) See Bouton's Hist. of Concord, pp. 217, 218.—Ed.

Petition of Ezra Carter and John Chandler.

[Copied from Vol. II, "Towns," in Secretary's Office, p. 23.]

To his Excellency Benning Wentworth, Esq. Captain General and Governor of his Majesties Province of New Hampshire, the Honourable his Majesties Council and House of Representatives in General Assembly convened:

Portsmouth, February 18th 1756.

The Petition of Ezra Carter & John Chandler on behalf of themselves and the Inhabitants of the late District of Rumford, Humbly sheweth: That we the subscribers together with Moses Foster, Esq., by an act past by the General Assembly in July last were appointed to be Assessors to Assess the Inhabitants within the limits therein referred to at a certain sum and to have the assessment compleated and returned to the Treasurer of the Province within two months after the date of said Act; that one half of the time was Lapsed before we had sight of the Act, and it was then the most busie season in the whole year & the cattle on which part of the Tax was to be laid were out in the Woods & not known whether living or killed by the enemy, which rendered it almost impracticable for us to comply with the letter of the Act. For the remedying of these Inconveniences and also in hopes of obtaining some alterations beneficial to us and the people we were to Tax, we should have addressed the General Assembly long before now but our distance is such that we seldom hear of the adjournments and Prorogations thereof before it is too late. Several times were pitched upon for said purpose but before they arrived the Assembly was adjourned, & now having an opportunity to lay the affair before your Excellency & Honours, we humbly hope that you will take our case into your consideration and in your wisdom & goodness compassionate our circumstances. As to our paying our part of Publick charges of the Government we can uprightly answer for ourselves & have reason to believe that we speak the united sense of the people of Rumford that we ought to do it, but humbly pray we may have the Privileges of a Town or District viz. to raise money for the maintenance of our Minister School & Poor, the repair of highways &c., for the want of which for several years past the Inhabitants there have been great sufferers;—That we apprehend we are doomed much beyond our just Proportion of the Publick charge which has happened we conceive for want of a true list of our Poles & Estates which we believe was never laid before the Assembly; That we have been unavoidably subjected to great loss of time almost every year for several years past by Disturbances from the Indians and particularly for the two last years past about a quarter of our Inhabitants have been drove from their settlement during the busie season of the year, and the whole of them obliged to divert from their Husbandry in order to repair their Garrisons & provide for the safety of their families. Wherefore your petitioners most humbly pray that their circumstances may be considered, that they and the inhabitants aforesaid may be relieved against the Penalties & Rigour of said Act.

That a proper method may be prescribed to have a true List of the Polls & Estates aforesd laid before the General Assembly so that they may pay no more than their Proportion considering their situation; That they may be Incorporated to all the purposes of a Town and that the assessors aforesd may have a farther time allowed to perform the Business assign'd in assessing and the Collectors in Levying the sum that shall be finally determined must be paid by said Inhabitants—and your petitioners as in duty bound shall ever Pray.

Ezra Carter.
John Chandler.

[P. 93.] On motion being made & second'd by sundry of the members that the House might be seated & placed in order,

Voted unanimously that the House be seated.

Voted That the same be done by a committee.

Voted That Eleazr Russell, Clement March Esqs. Capt. Thomas Wk Waldron, Capt. John Wentworth & Capt. Jona Moulton or ye major part of them be the Committee of this House to say where each member shall sitt for & during the continuance of this Assembly & make Report thereon to this House as soon as may be.

Fryday February 20th 1756, P. M.

[P. 94.] Whereas by a vote of the last Assembly for raising men for the Expedition to Crown Point the waiges of the private soldiers were settled at three pounds seven shillings pr month, & whereas it appears to this house that the officers and soldiers under went great fatigue and hardship therefore,

Voted That instead of the waiges settled by said vote, they have three pounds fifteen shillings of the Crown Point money pr month & that the Muster Roles be made up agreeable thereto, & that the officers waiges be in proportion.

Mr. Speaker adjournd till 9 o'clock tomorrow morning.

Saturday February 21st 1756.

Resolved, That the officers & soldiers employed in the late Expedition to Crown Point be allowed fourteen days to get home after their dismission at Albany and that the muster Roll be made up accordingly.

[P. 95.] The Report of the Committee for seating the house being bro't into the house by Eleazer Russell Esq. wch is on file, the same was read & Voted, That it be accepted and the house seated accordingly, which is as follows, viz: being on ye vote of the house, a copy of wch ye Committee had

Portsmouth Members	Dover
Hampton & Falls	Exeter
New Castle & Rye	Kingston
Stratham	Newington
London Derry	Greenland
Durham	Newmarket
Plastow & Hampstead	Chester
Dunstable & Merrimack	Salem & Pelham
South Hampton	Somersworth.

Pursuant to the above vote we have settled ye Seats of the members from each Town, Parish & District as the same are sett down above,

Portsmouth members at the speakers Right hand & Dover members at his left, & so of the Rest as in each Collome.

Eleazer Russell
Th^s W^k Waldron
Jonathan Moulton.

Mr. Speaker adjourned the House till Monday the 23^d day of February 10 o'clock before noon.

[P. 96.] Monday Feby 23^d 1756.

Sundry members being present not sufficient number to make a house, the Speaker not being present Mr. Sec^y adjourned the house till 3 o'clock

P. M.

Mr. Speaker being indisposed and not present, the house proceeded to the choice of a Speaker pro Tempore and made choice of Eleazer Russell Esq. who took his place accordingly.

Mr. Speaker adjourned till to-morrow morning 9 o'clock.

Tuesday February 24th 1756.

Met according to adjournment. Mr. John Knight Bro't into the house Mr. John Chandler's muster Roll for Ten Men & their billeting for Ten days for garding people at New Hopkinton, while cutting their hay. (1.)

(1) Muster Roll of the abovesaid Company under the command of Capt. John Chandler, 1751.

[Copied from Potter's Mil. Hist. Adj. Gen. Report, Vol. II. 1836, p. 126.]

(1) Men's Names.	Wages pr day.	Entrance.	Discharge.	Time.	Bal. Due.
	s. d.				
John Chandler, Capt.	2:10½	Sept. 8	Sept. 17	8	£1:2:10
Obadiah Maxfield, Leut.	1:11:2	8	17	8	15: 8
Phineas Virgin	1:11:2	8	17	8	15: 8
Moses Eastman	1:11:2	8	17	8	15: 8
Edward Abbot, jun.	1:11:2	8	17	8	15: 8
Jacob Potter	1:11:2	8	17	8	15: 8
David Kimball	1:11:2	8	17	8	15: 8
John Hoyt	1:11:2	8	17	8	15: 8
Jona Fifield	1:11:2	8	17	8	15: 8
Thomas Merrill	1:11:2	8	17	8	15: 8
					£8:3:10
Subsisting the above men, at 1s. 3d. pr day					5:0: 0
Subsisting the above men with ammunition					7: 6
					£13:11: 4

Portsmouth, Feb. 29, 1756
Sworn to in the house
John Chandler.

The said muster Roll being examined

Voted that the same amounting to thirteen pounds eleven shillings & four pence be allowed & paid out of money that is or may be in the treasury for the Frontiers. Sent up by Capt. Richardson. [Concurred.]

[P. 97.] Wednesday, February 25th 1756, P. M.

Coll° Gilman Bro't into the house his Excellency's message to both houses of this date, & Govr Shirley's Letter & Report of the Com^tee of the Massachusetts Bay for raising 3000 men for Crown [P. 98.] Point Expedition, and left them with the Speaker all which was read immediately & copys of the same on file.

Mr. Speaker adjourned the house till tomorrow morning 9 o'clock.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, p. 363.]

Gentlemen of the Council & of the Assembly.

You have had sometime before you the Resolve of the Assembly of New York for subsisting & paying one thousand men Inclucive what number are already in the pay of that Government for the Crown Point Expedition. I now, with this message lay before you the Resolve of the Massachusetts for raising three thousand men by Inlistment for said expedition, which just come to my hands by express. I must hope you will act consistently in this Important concern, & that your deliberations will be attended with Dispatch, which by Major General Shirleys Letter which I likewise lay before you appears to be necessary.

B. Wentworth.

Council Chamber in
Portsmouth, Feb. 25th 1756.

Copy from the Original.
Att^s Andrew Clarkson, Clerk.

Major Gen. Shirley's L^r Feby 20, 1756, from Boston.

[Copied from MS. Corr. Vol III, p. 11.]

Boston 20th Feby 1756

Sir

I inclose to your Exc^y at the request of the Ass^y of this Gov^t a copy of their Resolve for raising 3000 men as their Quota of 9000 for carrying on an Expedition ag^t the French Incroachments at Crown Point this year in conjunction with His Majestys other Colonies—

If the circumstances of the Province would have admitted it, I should have urged them to increase the Number but there were so many men in service the last year in the two Expeditions East & West & there are so many constantly employed for the Defence of the Frontiers that it will be Extremely difficult to make an addition to what has been determined & indeed if the other Governments would raise their proportion the whole would amount to as large an Army as I should desire for this purpose—

Whilst the men are raising I design that a sufficient quantity of Provisions & stores of Every kind shall be transported to fort Edward & fort William Henry & that the Battoes and Boats for the carriage of the Artillery and Stores of war shall be ready for the use of the Army as soon as it shall arrive at the Lakes for the success of the Campagne will very much depend on our being ready for Action as soon as the advance of the spring will permit & indeed we have no time to lose.

One very material part of the Plan proposed at New York was the Breaking up the French Settlements upon the River Chaudiere & giving an Alarm to Quebec which must naturally retain a Considerable part of the French force on that side the Country but this cannot be determined upon untill it be known what Forces the several Governments will raise I hope Connecticut will furnish 2500 men New Hamps^{r} & Rhode Island 1800 between them & altho' the Assembly of New York hath voted only 1000 Men I cant but hope it will at least double the Number when they shall be Informed what the Massachusetts has Done especially as that Gov^{t} from its situation, & other circumstances is more nearly affected by the Incroachments of the French than any one of his Majestys Colonies besides—

Suppose the whole Number which I have computed should be raisd it will fall short Your Excellency knows of what was proposed in the plan at New York.

As to the New Jersey Troops they must be employed at Lake Ontario or the force there will be insufficient. Unless therefore the Governments Southward of the Jerseys shall assist with their troops also I do not see how the 3000 men proposed for the service at Chaudiere can be well spared—

I know your Excellency to be well disposed to forward the service & I hope that the Province of New Hampshire will raise at least a proportionable Number of Men to that which the Government employed the last year. The Massachusetts then Proposed in their first levies 1500 & New Hamps^{r} then voted 500 that I flatter myself your Assembly will not think 1000 too Large a proportion now especially since His Majesty has been Pleased to Order such strong Assurances to be given of His Most Gracious Favour to the New England Gov^{ts} with respect to a Reimbursement of the Charges of the Last Expedition & I think that the Continuance of the same vigorous Spirit in prosecuting the present Expedition will give us good reason to hope for the same favour with respect to this also.

Whatever Number shall be determined on it will be Necessary that your Gov^{ts} make full Provision for that Proportion of all the Charge that shall attend the Expedition—

The failure of some Colonies last year in the Seasonable Transportation of their Provisions & Stores tended as effectually to prevent the proceeding of the army as if all had failed—

Some Companys of the first raised men in each Colony should be Sent as soon as Possible to Albany to serve as a Guard or Convoy for the Boats & Carriages that shall pass from thence to the Fort at Lake George. The Battoes for all the forces ought also to be Compleated immediately as there is no going forward without them at least this advantage is gain'd by the last years Expedition that we may know what was wanting on the part of Each Government then & it will be inexcusable if there should be the same neglect a second time—

I must Desire your Excellency to give me the Earliest advices of the determination of your Assembly & I must again mention to you that the utmost Dispatch is Necessary & a minute of Time ought not to be lost—

I am with great Esteem & regard
Sir
Your Excellency's most obedient &
Most Humble Servant
W. SHIRLEY.

Copy from the Original—Att^s Andrew Clarkson Clerk.

[p. 98.] Thursday Feby 26th 1756.

The Governor's message of yesterday to both Houses and the sundry papers therein referr'd to having been read

Voted That Henry Sherburn jun. Peter Gilman Clement March Esqs. & Capt. Thomas W^k Waldron be a Com^tee of this house to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excell^ys Mess^a of ye 25th Inst. to both houses & of the several papers therein Refer'd to & make Report to the General Assembly as soon as may be, What may be proper to be done thereon.

Sent up by Mr. Stevens.

Mr. Sec^y came & informd the house the Council had concurrd our Vote for a Committee to consider of ye Gov^rs message of yesterday's date & the papers therein referr'd to & y^t they had joyn'd a Com^tee & should attend it this afternoon.

[p. 99.] Capt. Thomas W^k Waldron Bro't into the house the Report of the Com^tee for considering of the subject matter of his Excell^ys Mess^a to both houses of ye 28th Inst. & the papers therein Referr'd to, which was read. Adjourned.

Fryday, Feby 27th 1756.

Met according to adjournm^t.

Province of New Hampshire Feby 26, 1756. The Committee appointed by the General Assembly this day to consider of his Excellency's message to both Houses of yesterday's date in Relation to an Expedition for removing the Encroachments made by the French at or near Crown Point, and also the several papers in said message Referr'd to, and to make Report to the General Assembly as soon as may be what may be proper for this Province to do therein:

Do Report That they think it advisable for this province to raise three hundred & fifty men exclusive of Commission officers to joyn such forces as shall be Raised in his Majesty's other Government^s for the said Expedi- [p. 100.] tion, Provided a method can be agreed upon for supplying the Treasury to defray the charge thereof; Provided also that this Government is reasonably advised of every Plan of opperation that may be agreed

upon by the other Governments so as to give their vote and consent therein & be able to carry the same reasonably into execution.

Humbly submitted by order of the Committee

Theodore Atkinson.

The above Report being read, Voted That the same accepted & sent up for concurrence.

Sent up by Mr. Knight. [Concurred.]

Mr. Speaker adjourned till 3 o'clock

P. M.

Voted That Henry Sherburn jun. Clement March, Esq. Capt. Thomas W^k Waldron and Mr. Zebulon Giddinge be a Committee of this house to joyn with such as may be appointed by the Honble Council to prepare an answer to his Excellency's Message to both houses of the 16th instant and make Report to the General Assembly as soon as may be. Sent up by Capt. Knight.

[P. 101.] Voted That his Excellency the Capt. General be desired to order all officers & other persons, who have Rec^d any of ye Governm^t money for the use of the late Expedition to Crown Point to lay their acc^ts before the General Assembly as soon as may be. Sent up by Mr. Jones.

Mr. Sec^y came into the house & informed that the Council had concurr'd with the vote of this house this day for the raising a number of men for ye Crown Point Expedition this Spring & likewise had concurr'd with the vote for a Com^tee to answer his Excellency's message to both houses of ye 16th Inst. and that the Com^tee of Council were ready to go upon it imediately.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Saturday February 28th 1756.

Met according to adjournment.

The Com^tee for answering his Excellency's Message of the 16th Inst. Bro't into the house the following Report, viz.

Province of New Hampshire Feby 28th 1756.

Agreeable to our appointment by vote of yesterday to prepare an answer to his Excellency's Message to both Houses of ye 16th Inst. And make Report to the General Assembly as soon as may be:

We have drafted an answer to his Excellency's Said message wch is herewith exhibited and are further of opinion that his Excell^y be desired to give his orders for raising a number not exceeding fifty effective men to be employed in defending & Protecting the Frontiers of this Province especially at Charlestown or No. four, so called, on Connecticut River for three months if necessary, Provided a method shall be agreed upon by the Legislature for supplying ye Treasury to defray the charge thereof.

[P. 102.] All which is humbly submitted by order of the Committee.

Theodore Atkinson.

The above read and accepted & ordered to be sent up for con currence. Sent up by the Clerk. [Concurred.]

Province of New Hampshire Feby 28th 1756.

May it please your Excellency—

The Council and General Assembly acknowledge ye obligation we are under to your Excellency for your message to us of yo 16th Inst. & ordering Sir Thomas Robinson's Letter to your Excellency of the 11th of Novr last to be laid before us agreeable to his Majestys Directions therein mentioned.

His Majesty's great and wonted goodness expressed in the whole of that letter is so gracious a condecention that it fills us with gratitude & fires us with the greatest degree of Zeal for his honor, which we hope will always appear in our steady & dutyfull behaviour.

We have hitherto deferr'd answering this yr Excellency's message in hopes you might be enabled to inform of some more particular Plan concluded upon or proposed by his Majesty's other Governments for carry-into Execution the ensuing year's Campaign, but as your Excellency has not Recd such information, and that we might not be backward in our Leveys we have (under an humble Dependence on his Majesty's Bounty to save us from Ruin by a Reimbursement of the charge) Voted a number of men equal in proportion to the number Massachusetts have Voted. We also past a Vote desiring your Excellency to Inlist or Impress a suitable number of men for defending and protecting the frontiers, especially at Charles Town or No. 4, so called on Connecticut River, which votes [p. 103.] are herewith humbly offered & we hope will meet with an agreeable acceptance by your Excellency.

Henry Sherburne jun. Speaker.

The Speaker signed this by order of the House.
Sent up by the Clerk.
Mr. Speaker adjourned till Monday 3 o'clock, P. M.

Monday March 1st 1756. 3 P. M.

Sundry of the members being met, not sufficient number to make a house—adjourned till

Tuesday March 2d 1756, 3 o'clock, P. M.

Mr. Speaker being indisposed & not Present, The House proceeded to the choice of a Speaker pro tempore, and made choice of Eleazer Russell Esq. who took his place accordingly.

Mr. Secy Bro't into the house his Excellency's message to both houses of this Date, a copy of which is on file—the same was read.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. II. p. 365.]

Gentlemen of the Council
& of the Assembly—

It being necessary for me to have certain information from Major General Shirley on many points, in what manner the troops intended to be

raised in this Government, on a second attempt for the reduction of the French Fort at Crown Point are to be employed & particularly how they are to be paid and subsisted, and whether I may depend on any aid from the Crown to enable me effectually to prosecute this great undertaking— I have therefore thought it for His Majesty's Immediate service to appoint the Honble Theodore Atkinson Esqr to proceed to Boston on this ambassy and as his expences must be born by the Public, I shall not doubt but you will give him the needfull grant that the service may not be retarded.(a)

If his Majesty's Council & Assembly have any thing to charge him with for their informations or think it needfull to Joyn any other person of weight & Influence with him I shall have no objection to it—

As soon as the Grant for the Protection of the Frontiers is compleated I shall adjourn the General Assembly untill the 16th instant—

B. Wentworth.

Council Chamber in
Portsmouth March 2^d 1756.

(a) Jour. Coun. Mar. 1, 1756. [His Excellency] acquainted the Council he tho't it for his Majesty's service under the present circumstances to apply to General Shirley for the loan of a sum of Sterling money to help to carry on the proposed Expedition to Crown Point, & that he tho't it expedient to send a suitable person to Boston to Treat with Genl Shirley &c.

The Council upon being asked gave it as their opinion that it was highly necessary to send a person to Boston to treat with Genl Shirley about the Premises.

Whereas an Expedition is intended to be carried on against Crown Point this Spring, and it appearing highly necessary that this Government should be inform'd of every particular scheam [p. 104.] relative to said Expedition in order to their joyning therein with Dispatch, Therefore, Voted that the Honble Theodore Atkinson Esq. be desired to go to Boston immediately & waite on his Excellency Wm. Shirley Esq. as an agent from this Province, and to get all the information and intelligence from his Excellency that he can of the scheam, & make Report to the Genl Assembly as soon as may be, and that he be allowed three pounds new Tenor pr Day wch is to be in full for said service. Sent up by Mr. Knight. [Concurred.]

Mr. Gidding desired his Desent may be Entered against s^d vote which was granted.

Wednesday March 3^d 1756, P. M.

[p. 105.] His Excellency's message of yesterdays Date being read,

Voted, That Capt. John Wentworth, Capt. Thomas W^k Waldron & Andrew Clarkson be a Com^tee of this house to prepare an answer to his Excellency's Mess^a of yesterday and lay the same before the House.

May it please your Excellency—

The house on your Excellency's mess^a of yesterday thought it would be much for the advantage of ye Governm^t to have the Best Information on the Intended Expedition to Crown Point, therefore, Voted That the Honble Theodore Atkinson Esq. go to Boston immediately & make the best Enquirey he can of Governor Shirley &c. for this Governm^t, and also, Voted him an Honble support while on this service & sent it to the Honble board, which we hope will be agreeable to your Excellency.

[p. 106.] And on taking under consideration that part of y^r Excell^ys said message Relative to the frontiers, we humbly beg leave to say in answer thereto, that we can think of no way so just and equitable for Defraying the charge thereof as that in our Vote of ye 23^d of Jany last now at the Honble Board, and altho the Expense will be a grievous burthen, Especially when added to those already on us for services of that and other kinds already Done & still intended to be done by us for his Majesty's service, & therefore we must in faithfulness to our constituents beg your Excellency to Excuse us from any charge on that acc^t unless the Lands benefitted thereby bear a part therein agreeable to s^d Vote, & which was the way the House expected to pay the Expense when they accepted the Report of the Com^tee of both Houses on Saturday last.

All which is humbly submitted by, in behalf of the Com^tee

Portsm^o, March 3^d 1756. Thom^s W^k Waldron.

Voted That the above be sent to his Excellency in answer to his Excellency's message of yesterday.

Sent up by Mr. Seavey.

Thursday, March 4th, 1756.

[p. 107.] Whereas by a vote of the late Assembly all persons employed by this Government on the Expedition to Crown Point were to be paid and allowed for that service the same that those employed by the Massachusetts were Reckoning fifteen shillings of our money equal to six shillings of the Mass^a, & whereas no exact acc^t how the Mass^a Pay their men is in our hands therefore Voted, that the Honble Theodore Atkinson Esq. procure authenticated copys thereof from the proper officers at Boston at the Expense of this Goverm^t in order to an equitable complying with s^d vote. Sent up by Capt. Moulton. [Concurred.]

Whereas this Province has had many unjust Representations made against it to his most gracious Majesty relating to the Fron-
[p. 108.] tiers thereof, Therefore Voted that the sum of Two hundred pounds sterling money of Great Britain be drawn for by the Com^tee already appointed to draw Bills on John Thomlinson Esq. and that the same be put into the hands of a Com^tee of this house to enable them to prepare and forward an Address to his most excellent Majesty setting forth the distressed circumstances of this Province, Especially on acc^t of their Frontiers, and that an Act be Drawn for calling in & sinking in the year 1762, the sum of three Hundred and Twenty five pounds Bills of Credit emitted by this Governm^t for carrying on ye intended Expedition

against Canada, and that the same be burnt to ashes in the face of the General Assembly in order to the sinking so much of the Bills emitted for said intended Expedition; and in the mean time to shew our Readiness to comply with every Recommendation from the Throne altho' they should exceed our abilitys, as soon as this vote is concurred & assented to, his Excellency be desired to order to be Impressed or Inlisted Twenty effective men & post ye same at Charlestown or No. 4 for the term of four months and no longer, and that a Tax for six hundred & Twenty five pounds be laid on ye Poles & Estates this Present year in order to Defray the charge thereof as shall be agreed on by the General Assembly.

Sent up by Mr. Knight. Adjourned. [Non-concurred.]

Tuesday March 23^d 1756, P. M.

Mr. Sec^y Bro't into the House his Excellencys Mess^a to both houses of this date, with the sundry papers therein Referr'd to, all which were read.

Mr. Speaker adjournd till 9 o'clock tomorrow morning.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, p. 367.]

Gentlemen of the Council and of the Assembly

As the Import of this Message is for His Majesties immediate service, and the several matters Referred to herein require and demand your closest attention, I have thought it necessary that both houses should Act Conjunctly thereon, in order to give the greater dispatch and to prevent delays of any kind which at this late hour may prove fatal to the expedition on our part.

In obedience to their Excellencies the Lords Justices Commands I found it necessary to apply to General Shirley for a sum of sterling money to enable me to defray the expences that must unavoidably arise to the Government in Levying the men proposed to be raised for the Intended expedition to Crown Point this year which paper money would by no means answer for, I also represented to him the Impossibility of raising 1000 effective men for said expedition in this Government considering the great drafts made and makeing here for His Majesties service in many branches of duty and upon My Letter he appears to be convinced that 500 men will be a Reasonable proportion for this Government to raise in consequence where of the General has engaged to supply with £3000 sterling on the same terms and security that he has lent his own government £40,000 Lawful money the act for repaying the same and his Letter, the Secretary will lay before you for your consideration, I have also directed him to lay before you the pay and allowance made to the officers and men by the Massachusetts the last year and for the present expedition with the Commissary Generals answers to certain queries put to him by Coll Atkinson when at Boston, which I recommend to you to conform to, as nearly as is possible, to Prevent Complaints of any kind, which may prove injurious to his Majesties service at this time.

I likewise have directed that the Copy of the Proportion for Ordnance

stores for the expedition this year should be laid before you, which I lately received from Governor Shirley also the form of the Muster Rolls as made up in the Government of the Massachusetts which I shall direct the officers to Conform to, as nearly as is possible, the said form being more explicit than any I have yet seen, I am hoping it will be agreeable.

As soon as you have made the use you require of the above papers, I must desire that all except General Shirleys letter, which is to be return'd to me, may be Lodged in the Secretaries office.

It appearing to me that both his Majesties Council and the respective members of the assembly will be so straitened for time in preparing for the Expedition to Crown Point, that it will be impossible for the Muster Rolls to pass through both Houses in the manner directed to in the Act; You are all sensible how much time has been already spent in fruitless attempts to discharge and pay off the Muster Rolls for Coll° Blanchards and Coll Gilmans regiments, I must therefore recommend the immediate payment of the respective Rolls in these two regiments as a matter essential to the enlisting men in and for the proposed expedition, for until these Troops are fully paid off, it cannot be expected that these or any other men will enlist. Also there ought to be ample satisfaction made to the officers for their long and expensive attendance. It being my opinion that neither officers nor men have by the grant already made by the government a reward equal to their services and for giving the utmost dispatch in paying off the above Regiments, I would recommend that three suitable persons without doors, should be appointed to examine the Rolls of the Respective officers in each regiment, who are to be under oath to receive and examine the Rolls of each Capt and each Company in the two Regiments and report to the General assembly that they are right cast and what sum is Due on each Roll. This is the most expeditious method I can think of to give dispatch in this affair, so necessary at this Conjuncture, also, that every Captain that shall give sufficient security in the Treasury shall pay off his own company who shall be subjected to such a fine, as shall be thought sufficient for that purpose in case He defrauds any of his men or detains any part of their pay upon proof being made thereof before such persons as it shall be thought fit to be appointed for that service, these measures being taken, there can Be no failure in discharging the Rolls for the last expedition, and you cannot fail of men in this Town capable of the Trust, expert in business and figures. I must therefore hope it will meet with no delay.

All the governments interested in this Intended Expedition have appointed Agents to proceed to Albany and to prepare to Transport their own provisions and stores from thence to the Forts at the Carrying place and Lake George the Agents from the Massachusetts are allready set forward on that service, and I recommend it to both Houses that proper agents should be forthwith appointed on the Part of this Government for that service also and that the Committee Consist of Gentlemen of known abilities in business, capable of making Dispatch ready in Providing remedies upon all emmergencies that may occur, and such as will steadily and with proper resolution pursue the Important business they are sent upon.

I think it for His Majesties service, and for the Interest of the Government, that the Committee appointed by the Act for the last years expedition to Crown Point, to purchase stores &c for the use of that expedition, do forthwith prepare and lay their accounts Before the General Assembly, for adjustment, that the expences that have arisen to the government may be ascertained, not knowing how soon I may receive His Majesties commands to transmitt such accounts to the offices I am directed to send them to.

If the measures proposed for borrowing a sum of money from General Shirley be approved, I am hoping I may upon a further application engage

him to enlarge the sum to £6000 sterling which is the least that will be wanting considering that we have lost so much time allready and that the Massachusetts officers have enlisted a great number of the Inhabitants on the Southern boundary of this Province into the service of that government, for which Reasons, I am pursuaded that it will be exceedingly difficult to enlist the Troops designed for the Crown Point Expedition, unless our officers are supplied with silver money likewise.

B. WENTWORTH.

Council Chamber in
Portsmouth, March 23, 1756.

Letter from Govr Shirley to Govr Wentworth.

[Copied from Prov. Rec. B. I, p. 301.]

Boston, March 8th 1756.

SIR—

I shall send you herewith a Copy of a vote of the Assembly of this Province for raising an addition number of men, provided the Government of New Hampshire and Rhode Island will raise one Thousand each. I am well assured that your Excellency will use your best Endeavour to bring your Assembly into it, and I doubt not the Governor of Rhode Island will press the same upon the Assembly of that Colony also. I have said so much in my former letters upon the Importance of the service that I need not add anything further now, only that we learn by the Indians who come into Albany that the French are making great Preparations and I doubt not they will bring all the Force they can possibly muster to oppose us.

I likewise send you Copy of Instructions agreed on by the Court for a Committee which is to proceed forthwith to Albany. By these instructions you will perceive the Plan which is laid for transporting Provisions & Stores to Lake George and providing Boats there for the service of the Army. This Plan is entirely agreeable to me, and if faithfully executed I think the Colonies will save half the Expence they would be at if they were to make use of Land Carriage only, and what is of infinitely more importance the service will be performed in half the time. I hope each Government will appoint Persons that can be depended on to see this service done.

If there be a failure it must be fatal. I am not acquainted with the number of Battoes provided by your Government the last year, but the fewer you had then, the more early you must be in your preparation now, and they must be built at the Lake, for I am sure carriage can never be found for the Stores and Boats both. You will therefore provide a number of whip-saws for sawing Boards for the large Boats, for I doubt not proper Timber can be found for that purpose, and Tools for making large Cannoos out of Logs if it shall be necesary to build any such, as also spikes, nails, pitch and oakum. And let workmen be sent away immediately. I can't be too urgent on these Points. Every Government must take measures for their respective Proportion of these services, and if they are neglected or not duly attended by any one Government the Expedition may be ruined as effectually as if they had been neglected by all.

There must be a greater stock of Ammunition, artillery and warlike stores. I should be glad to be informed by the return of this Post or sooner whether your government can furnish their Quota of Powder for the great Artillery. I think the Army should be furnished for that purpose with at least 500 Barrels more than now remains of what was provided for the last Expedition, and that every soldier should be furnished

with two pounds besides for the small arms. If you cannot provide the cannon, mortars, shells &c. they may be sent from this Province, and perhaps you may furnish powder in proportion, otherwise consideration must be had for what this Province does more than its part when the Expedition shall be ended.

The spring is advancing, and we are all too backward in our preparations. It seems necessary that the forces should be at the Lake by the middle of April and that every article of Provisions, stores and Boats should be ready against their arrival.

I pray your Excellency to give me Constant advices of the steps taking in your Government relative to the Expedition.

The Commanding officer of the Detachment of the Royal Regiment of artillery employed in North America has furnished me with a List of ordnance stores necessary for the Expedition, which I herewith send you.

I am with great regard, Sir,
your Excellys most obedt servant
W. Shirley.

His Excellency Benning Wentworth, Esq.

The Committee for that purpose appointed have prepared Instructions for the Gentlemen appointed by the Court to proceed to Albany which Instructions are herewith humbly offered Silvanus Bourn, per order.
March 6, 1756.

Instructions for the Committee of the General Court of Massachusetts Bay going to Albany.

[Copied from MS. Corr. Vol. III, p. 19.]

You are to provide yourselves with an authenticated Copy of the vote of the General Court appointing you a Committee in behalf of this Province, to reside at or near Albany & there to transact affairs relating to the Expedition to Crown Point & you are as soon as possible to set out on your Journey, & upon your arrival at Albany, you are immediately to engage in proper measures for the Transportation of provisions & stores to the forts at the carrying place & Lake George.

It appears to us that the cheapest & quickest way of transportation is by battoos from Albany to the half moon & thence by Land carriage to Stillwater Landing which is about 12 miles & from thence by water again to Saraghtogor & thence again by land seven miles to the upper falls & thence by water to fort Edward. You will therefore make immediate provisions of both land & water carriages for this method of transportation. We think that large sized battoos or if they are not to be had the common sized may serve for the first water from Albany. But for the second water above the half moon, we imagine a larger sort of Boats if to be obtained may answer better & for the next water the Battoos at Fort Edward may be made use of, but you will determine what sort of boats will cause the greatest dispatch & those you will make use of & buy build or hire them as you find it best.

At the same time you are providing battoos you are likewise to be providing Waggons or Carts for land carriages to receive the provisions at one end of the carrying places & transport them to the other, and for this purpose, we desire if it be practicable, that you would buy or improve such Teams as belong to the Inhabitants of this province.

You will have it in your power to satisfy yourselves at Sheffield & Stockbridge what number of Carts can be hired or bought & what fodder or provender can be procured for we apprehend it will be necessary that fodder &c should be carried from thence or other parts to support the Cattle, while they are at work as there will not be sufficient at or near Albany.

Having laid your plan well & proportioned your carts or waggons to your boats, we think it proper that one of you shou'd be constantly at or near each carrying place to expedite the business & to make any alterations either in the number of boats or carts as shall be found necessary.

You will procure men for the battoos on as reasonable terms as you can & you may either agree with persons who are not of the army to continue in service while they are wanted, or you may employ part of the forces after they arrive at Albany as you think best & you may make some addition to the pay of such forces, for their encouragement while they are in that service, & you are also to employ as many men as shall be sent you by this Government as guards at the river and other places as you shall judge necessary & convenient.

You must likewise provide Carts or waggons for carriage from fort Edward at the carrying place to Fort William Henry at the Lake but this part of the transportation must not be made without a sufficient guard to secure the Stores from any attack nor without scouts being constantly abroad to prevent a surprise; but you must take all possible care that there be no delay on this branch of the transportation.

We leave it to your discretion either to hire all or any part of the Carts or waggons with Cattle or horses or otherwise to purchase them in whole or in part & at such places as you think best & you will always keep men at each Station for the service of the Carts or waggons & you may appoint a master or Commander to each Company with additional wages or you may contract with any person or persons by the great, or agreeing for the payment of any certain sum for their whole Service—

As there are very probably a number of Carpenters among the Soldiers in Garrison at the fort, you must endeavour to engage them by promise of additional wages to finish the flatt bottomed boats that were begun & to be at work on such others as shall be concluded on, so as to have sufficient for the Transportation of the Cannon & heavy Stores that there may be no delay after the forces of the Several Colonies shall join at the Lake.

And lest there shou'd not be sufficiency of Carpenters there, care will be taken that a further number be enlisted & dispatched from hence as soon as possible.

You will likewise make enquiry into the State of the battoes belonging to the province & if the number be insufficient you will secure materials & Employ Workmen to compleat it or to supply the place of battoes by other boats, And this is what must be effected at all Events for it seems impracticable to transport the provisions & Stores & boats also from Albany in Season, such boats therefore must be built at the Lake as the timber there will admit of the other materials as iron work & ocum &c. must be seasonably sent up.

You will give such directions to Mr. Emerson relat^s to the Stores & other matters under his care at Albany as you shall find necessary & he is required to conform to your orders.

You must always have this in your minds, that the great end of your appointment is the expediting the provlsions & Stores so as that a Sufficiency may be lodged at Fort William Henry to be ready for the army upon ts arrival & you are to spare no labour nor cost to effect it.

You are to correspond with the Committee of War at Boston & to govern yourselves by such advices, as from time to time you shall receive from them; always communicating every matter of moment to his Excellency the Governour when it shall be in your power—

In the House of Represent^vs March 6, 1756.
Read & ordered that this Report be accepted.
Sent up for concurrence.
T Hubbard Spk^r

In Council March 6 1756 Read & Concurred.
Thos. Clarke Dept^y Sec^y.
Consented to
W. Shirley.

Copy Examined
pr Thos Clarke Dp^ty Secy.

Proportion of Ordnance & other Stores for the Crown Point Expedition—7 March 1756.

[Copied from MS. Corr. Vol. III, p. 23.]

		Full proportion for 1756	Remains at Fort Willm Henry 1755	Demand for Fort Willm Henry 1756
Axes	Pick	300	87	213
	Broad	200	12	188
	Narrow.	1000	104	896
Adzes	Brass for Powder	2	—	2
	Carpenters	20	5	15
Bellows	Smith	2	2	—
	Hand	2	—	2
Bed Screws or Jacks		6	2	4
Bottoms & Pins	32 Pounders	40	—	40
	18 D.°	160	—	160
	12 D.°	40	—	40
	6 D.°	210	—	210
Brushes for	Kilt	6	—	6
	Glew	3	—	3
Beese Wax		128	—	128
Buckles leather		14	—	14
Cartridges Empty	32 Pounders	600	140	460
	18 D.°	2400	300	2100
	12 D.°	400	150	250
	6 D.°	2100	43	2057
Crows of Iron		43	13	30
Calipers	Large prs	1	—	1
	Small D.°	1	—	1
Carcases	13 Inch	20	—	20
	8 D.°	20	—	20
	7 D.°	20	—	20
Canvass for Grape Shot &c	yds	100	—	100
Cotton Wick for Quick Match	prs	112	—	112
Covers Painted for Carriages		20	—	20
Chests Labritory with Padlocks & Keys		6	—	6
Candles	pds	500	—	500
Drifts of Iron tipt with Brass	13 Inch Fuzees	2	—	2
	10 — D.°	4	—	1
	8 — D.°	4	—	1
	7 — D.°	2		2
Fusees of Sorts	13 Inch	200	—	200
	10 — D.°	800	Chests 1	800
	8 — D.°	800	—	800
	7 — D.°	400	—	400
For Hand Grenades fixed		2000	—	2000
Flannel for Cartridges	yds	60	—	60
Flints for	Musquets	10,000	—	10,000
	Carabins	1000	Casks 2	1000

		Full proportion for 1756	Remain'g at Fort Wm. Henry 1755	Demand for Fort Wm. Henry 1756.
Flannels of Copper for filling Shells	Large	1	—	1
	Small	1	—	1
Grindstones		1	—	1
Grate of Iron for heating Shot with Punch				
Ladle & Tongs each—		1	—	1
Gin Compleat		1	1	—
Gages for Shott	Setts	1	—	1
Gimblets of Sorts	dozs.	1	—	1
Glew	pds	28	—	28
Grenades Hand Empty		2000	—	2000
Han spikes		16	16	—
Hatchets		138	38	100
Hoes		130	3	127
Hammers	Hand Smith	18	11	7
	Clawd of sorts	12	—	12
Hinges prs.		—	2	—
Horns for Powder		48	12	36
Hides Tann'd		6	—	6
Hair Cloth		16		16
Hair for Package	Cwt.	6	—	6
Hooks hand for shells	prs	2	—	2
Iron Bars 40lb. wt. each		50	12	38
Knives	Drawing	12	—	12
	Cutting	16	—	16
Kilt for shells	pds	156	—	156
Kettles of Copper of 2 Galls		2	—	2
Lanthones	Muscovy	2	—	2
	Comon	6	6	—
	Dark	16	—	16
Line	Hambro. Pds.	30	—	30
Ladles with Worms & Spunges	32 Pounders	4	3	1
	18 D.o	4	1	3
	12 D.o	3	2	1
	6 D.o	4	2	2
Lin stocks	With sockets	6	4	2
	Witht D.o	6	6	—
Lead in Barrs—Tuns—		4	—	4
Ladles of Iron for melting		2	—	2
Measures	Tin sets	4	1	3
	Copper for 3lbs to ½	2	1	1
Moulds for Casting Shot from 1oz Ball to Small Shot		4	—	4

		Full proportion for 1756	Remains at Fort Willm. Henry 1755	Demand for Fort Willm. Henry 1756
Mallets for Setting Fusees	Large	1	—	1
	Small	2	—	2
Match Rolls		15	9	6
Malrine	White Scanes	12	—	12
	Tar'd D.°	10	—	10
Machine for Drawing Fusees		1	—	1
Nails	Casks of Sorts	3	—	3
	Spikes 7 Inches	1000	—	1000
	30 Penny	2000	—	2000
	20 D.°	20,000	—	20,000
	10 D.°	40,000	—	40,000
Spunge Tacks		2000	—	2000
Ordnance	Brass: 6 Pounders	4	4	—
	Brass: 8 Inch Mortars	2	2	—
	Iron: 32 Pounders	2	2	—
	Iron: 18 D.°	8	2	6
	Iron: 12 D.°	2	2	—
	Iron: 6 D.°	3	3	—
	Iron: 13 Inch Mortar	1	1	—
	Iron: 7 D.° Howitz	2	2	—
	Iron: 10 In. Mortars	4	—	4
	Iron: 8 Inch Howitz	2	—	2
Powder	Whole Barrels	—	16	Albany 509
	Half D.°	670	290	—
Paper Cartridges	32 Pounders	600	—	600
	18 D.°	2400	—	2400
	12 D.°	400	—	400
	6 D.°	2100	—	2100
Paper for	Cannon-Reams	30	7	23
	Small Arms	40	—	40
Port Fires	Large	180	180	150
	Small	150		
Peter Salt	p^ds	100	—	100
Pinsers	p^rs	6	—	6
Pitch	B^arls	4	—	4
Guardrons for Gunners		4	—	4
Ropes	White 4 In. Coils	3	1	2
	White 3 D.°	1	—	1
	Tar'd 2 D.°	4	—	4
	Tar'd 1 D.°	6	—	6
Rockets of 2^lbs for signals		12	—	12
Rasps flat & round for Fusees		6	—	6
Rosin	P^ds	28	—	28

		Remains at Fort Edward	Full proportion for 1756	Remains at Fort Willm Henry 1755	Demand for Fort Willm Henry'56
Shott — Round	32 Pounders	150	600	77	375
	18 D.o	150	2400	896	1354
	12 D.o	100	400	197	103
	6 D.o		2100	733	1367
Shott — Grape	32 P'nders of 8oz Ball	2160	40	—	40
	18 D.o—4 D.o 10080		160	—	160
	12 D.o 3 D.o 2520		40	—	40
	6 D.o		210	143	67
Musquet—Boxes			160	29	131
Scarchers Prickers &c Setts			2	—	2
Shells	13 Inch	160	200	36	164
	8 D.o	100	400	—	400
	7 D.o	100	400	228	172
	10 D.o	—	800	—	800
Sledges			10	2	8
Steel	Pds		60	—	60
Saws	Pitt		6	3	3
	Cross Cutt		40	11	29
	Hand		46	—	46
	Tenant for Fusees		2	—	2
Scales & Weights—prs.			1	1	—

		Full proportion for 1756	Remains at Fort Willm Henry 1755	Demand for Fort Willm Henry 1756
Setters of Wood	13 Inch Fusees	4	—	4
	8 D.o	4	—	4
	7 D.o	4	—	4
	10 D.o	4	—	4
Spades		400	22	378
Sheep Skins dress'd	doz	1	—	1
Spirits Wine	GallS	6	—	6
Sulphur	pds	128	—	128
Sweet Oyl	GallS	13	—	13
Still Yards with Poyz		1	—	1
Scissors of sorts		3	—	3
Sieves	Brass Wire	1	—	1
	Hair with tops & bottoms	1	—	1
	Lawn D.o	1	—	1
Shovels		400	81	319
Thread Worsted	pds	40	—	40
Tubes of Tin	fixed	3000	—	3000
	Empty	5000	—	5000
Tin in sheets for Tubes	Boxes	1	—	1
Tow for Fusees	pds	112	—	112
Tent Labritory Compleat	Large	1	—	1
Tarr	BarrlS	4	—	4
Twine	Scanes	60	11	49
Trumpets speakng	large	1	—	1
	small	1	—	1
Tools for Artificers	Carpenters setts	4	—	4
	Smiths	2	—	2
	Tinman	1	—	1
	Coopers	2	—	2
Union Flags of 20 foot by 10		4	—	4
Vises Large		3	3	—
Wiers for Gunners	Setts of 4 each	48	—	48
Wadds of Junk	Casks	40	10	30

		Demand.
Companys of Artillery—		2
Civil Officers	Commisarys or Storekeepers	2
	Conductor of Stores	6
Artificers		4

The two Artillery Companies to Consist of
15 Commission'd Officers
28 Bombadiers
40 Gunners
132 Matrasses.

A Proportion of Artillery & Ordnance Stores proposed for an Attack on Fort Frederick at Crown Point &c. made out by Order of His Excellency General Shirley.

Boston 7th March 1756.

THOMAS ORD
Commanding Officer
of the Royal, Artillery.

Answers to Queries.

[Copied from MS. Corr. Vol. III. p. 31.]

Boston March 13th 1756.

Sir—

You'l greatly oblige me in furnishing me with an answer to the following questions. I ask the favour in this method that I may be less troublesome, viz. What day was the Massts. Troops Discharged at Lake George?

In general they were discharged Novembr 27th. every soldier is allowed 8s Lawful Money until they March'd.

How many Days were allowed them in the rolls from hence to Albany? Answr. Five days from Lake George to Albany.

How many days allowed them from Albany to their respective habitations?

Ans. As many days in proportion to their distances counting fifteen miles for days travel.

If any allowance made the Captains for making up their respective rolls & how much?

Ans. Fifteen days added to the time of their wages in the Rolls. Also to be added as many days as the distance from their homes to Boston accounting twenty miles to a days travel.

If such men as found their own arms & received a Bounty therefor & lost or broke them in the Service, had any recompense therefor & what?

Ans. if a soldier lost his own Gun he was paid the Value & the Captains Charging such Gun in his Acct of Disbursements, if a Soldier lost a Gun He Rec'd of the Province, or was impress'd for him, he was not in such Case Accountable?

Are the Chirurgeons Accotble for Medicines Instruments, &c. provided at the expence of the Government & not made use of in the Service of the Regiment & how do they Acct for them?

Ansr. They are Accountable for the Implements &c for what medicines Remains unused.

If any additional allowance to either officers or men not mentioned above?

Ansr. The officers are allow'd to make an Accot & charge any Expences they were at in Getting their Stores up to the camp provided they paid it, in which accot they Charge the Guns lost or broke in the Expedition.

The Field Officers were allowed what the Committees of War thought proper for their Tables.

Every Field Officer is allowed two Lieutenantts the first of whom has Captains Pay.

Pray Sir Excuse me in giving this Trouble & you'l greatly oblige

Your Very Humble. Servt.

Theodore Atkinson.

Sr. The above Answers to your Particular Questions are the best I can give you, if Satisfactory shall be glad. Yor most affectionate Kinsman

P. S. My good Father is not well enough to be abroad to Day

Nat. Wheelwright.

To the Hon.ble Jno. Wheelwright Esq.

Gov. Shirley to Gov. B. Wentworth.

[Copied from MS. Corr. Vol. III. p. 33.]

Boston March 16th, 1756.

Sir.

I am extremely sorry to find so many Difficulties attend your Excellency's raising your Govts Quota of Men for his Majesty's Service in the Ex-

pedition against Crown point this year, on the success of wch the safety of your Province so greatly depends.

I was in hopes that his Maj'ys late Declaration in favour of his New England Colonies for their Zeal in prosecuting the last years Attempt agst the Incroachments of the French at that place, & the prospect given them of being reimburs'd their expences would have inspired them wth a general Spirit for prosecuting the same Expedition this year; and I can't but think that any Colony, wch shall decline their part of that Duty & desert the common Cause this year will run a great Risque of forfeiting their Title to the Benefit of his Majesty's gracious Intentions.

I have indeed the satisfaction to find that all the other Colonies concern'd in this necessary expedition the last year have more or less cheerfully come to bear their part in it this year; and I can't but hope that your Excys Assembly will follow their example.

Upon the late Assurances these Colonies have received of being eas'd in the Expences incurr'd in it, I should think the exact Quota or proportion of each of them is now very much out of the question.

I would most readily assist your Excellency in the manner you desire of me, but upon more attentively considering the effect of the Circular Letter from the Lords Justices, your Excelly will find that it gives me no such Power, as you seem to think it doth.

I can't but hope that the paper money of New Hampshire may answer the End of the propos'd service one year longer, as it does within the Colonies of Connecticut & Rhode Island, possibly this years Emission may lay a Foundation for your getting rid of it.

As we have none of that Currency now in the Massachusetts Province & that Govt is loaded wth so heavy a Debt that it could not borrow any Sum in Gold or silver money of the Merchants, I have advanc'd them a Sum out of the King's Money to pay off the soldiers Arrears of the last year, & Bounty Money for the present Inlistmts upon the Security of the inclos'd Act for repaying it either out of the first Money wch shall be sent over from England or granted by Parliament towards reimbursing them the Expences of this Expedition or in failure of that Money's arriving by the time prefix'd in the Act then by a Tax on the years 1757 & 1758, as your Excellency will see by the Copy itself: And if such a sum as I can possibly further spare from the King's immediate other service towards assisting your Excy's Governmt, wch will not exceed £3,000 sterling will be of use to you; & you find it absolutely necessary to be advanced to you I will use my utmost Endeavours to do it, upon your Govts. giving the same security for the Repayment of it, wch my own hath done; provided your Excellys Governmt agrees to raise at least 500 Men, wch I hope they will not fail of doing; and I can't but hope, you will prevail w.th them to raise 1000.

Whatever is done must be effected with the utmost Dispatch, or it will be too late.

I have wrote so fully upon this and every other point of the before mention'd Service to your Excellency in my two last Letters that I must beg leave to refer you to them & the papers inclos'd in 'em, but above all to Col. Atkinson, with whom I have likewise fully communicated upon this matter.

I will take all the care I can of the Affair your Excellency mentions concerning the prosecutions carried on in the County of Essex against your Officers as Surveyor of his Majesty's woods, concerning wch I will write more fully in my next.

I am with great Regard
Sir,
Your Excellency's most obedient
Humble Servant

W. Shirley.

Wednesday March 24th 1756.

Met according to adjournmt.

Voted, That Henry Sherburne jun. Esq. Thomas Bell Peter Gilman Esqs & Capt. Thomas Wk Waldron be a Committee of this house to join with such as may be appointed by the Honble Council immediately to consider of the subject matter of his Excellencys message of yesterday to both Houses and the papers therein Refer'd to and make Report to the General Assembly what may be incumbent upon this Governmt to do in Relation thereto. Sent up by Messrs Wiggins and Richardson.

The Honble John Downing Esq. came into the house and inform'd yt the above vote was concurred with & the Comittee would attend in the afternoon.

[p. 110.] Mr. Speaker adjourned till 3 o'clock

P. M.

Voted That the muster Roll of Capt. Jethro Pearson for fifty three men including the field & staff officers employ'd in the Crown Point Expedition in Colle Peter Gilman's Regiment amounting to six Hundred & Seventy Pounds Twelve shillings & two pence half penny be allowed and paid out of the money in the Treasury for the Crown Point Expedition, & that the Ballc due to each person as carried off against his name be paid to him, his order, widow or Legal Representative (except minors whose Ballances are to be paid to their parents, masters or their order) Also Voted, that no person or persons mentioned in said Roll, who Recd money of the Treasurer or Committee of war for the use of said Expedition be allowed to receive any Ballance in said Roll due to him or them untill he or they have accounted for the money so Recd with the said Committee; and further Voted, that before the said roll be paid the Term of four days be allowed for any officer or officers to lodge an attested copy with the Treasurer of any things by him or them supply'd any person mentioned in said Roll, that the same may be stoped out of their Pay.(a)

Sent up by Messrs Wiggins, Richardson & Mr. Wm Moulton 25th.

(a) [The above is the form in which all the Muster Rolls were allowed to be paid. Following this is the muster Roll of

Capt. Jonathan Tilton,	for 48 men = 416 : 19 : 8		
Capt. James Todd	for 52 men = 293 : 15 : 11		
Capt. John Allcock	for 48 men = 299 : 14 : 1		
Capt. Paul Gerrish	for 45 men = 331 : 4 : 10		
Capt. Elisha Sweet	for 47 men = 328 : 11 : 1½		
		[Jour. H.	pp. 110-112.
Capt John Moor,	for 47 men = 773 : 0 : 10¼	Do.	p. 119.
Capt. John Tasker	for 63 men = 1053 : 0 : 6¼	Do.	p. 121.
Capt. Nathl Folsom	for 84 men = 1482 : 13 : 0¾	Do.	p. 121.
Capt. John Goffe	for 52 men = 946 : 17 : 11½	Do.	p. 123.

Capt. Robert Rogers	for 61 men =	1041 : 14 : 2½	Do.	p. 124.
Capt. Thomas Tash	for 65 men =	1129 : 12 : 4	Do.	p. 125.
Capt. Joseph Eastman	for 4 men =	28 : 15 : 6.	Do.	p. 126.
Capt. Wm. Simes	for 32 men =	415 : 13 : 4¾	Do.	p. 127.
Capts. Eastman & Willard,	66 men =	1267 : 3 : 2½	Do.	p. 128
Capt. Peter Powers	for 54 men =	1045 : 0 : 10½	Do.	p. 130.
Capt. Robert Rogers	for 8 men =	102 : 18 : 3½	Do.	p. 133.
Capt. Richard Emory	for 51 men =	891 : 9 : 7¼	Do.	p. 133.]

[p. 113.] Mr. Sec^y Bro't into the House the Report of the Committee for preparing an answer to his Excellency's message to both houses of y^e 23^d Inst. & a schedule for the waiges & Pay of officers, soldiers &c. all which was read.

Thursday March 25th 1756, P. M.

Whereas it is now above four months since the Discharge of the Troops which we Inlisted under the comand of Coll^o Joseph Blanchard, Esq. in the Expedition to Crown Point the year past, and whereas the Muster Rolls for said Troops have not to this day all of them been laid before the General Assembly for examination & passing, by which means the soldiers have very Injuriously been kept out of their pay contrary to the disposition of the General Assembly, the money laying ready in the Treasury for the payment thereof, & whereas none of the Muster Rolls for said Regiment can with propriety be settled, till all are presented,

Voted, That the officers who have hitherto neglected to lay their [p. 114.] Muster Rolls before the General Assembly be Required immediately to do it, That the men may not be any longer so unjustly kept out of their pay, & thereby discouraged from Entering into the service again.

Sent up by Mr. French for concurrence.

Whereas it appears by the Treasurer's acc^t that Coll^o Joseph Blanchard Esq. & several of his officers have Rec^d large sums of money out of the Treasury for the use of the Expedition to Crown Point, and Whereas he has also drawn on ye Committee of War for large sums of sterling money for wch no acc^t has been Rendered, and Whereas the Committee of War cann^t adjust their acc^t till the same be done, Therefore

Voted That forthwith & without further Delay they lay their acc^ts before the General Assembly for examination & settlement. Sent up for concurrence by Mr. Jones. [Concurred.]

Voted That the Committee of War for the Crown Point Expedition lay their acc^ts before the General Assembly as soon as may be. Sent up for concurrence by Mr. Jones. [Concurred.]

Voted That Thomas Bell Esq. Messrs. Waldron Wentworth & Giddings be a Committee of this house to wait on his Excellency to confer upon the Report of the Committee of both houses of

this day in answer to his Excellency's Mess^a of the 23^d Instant, and to inform his Excellency that the house cannot see their way clear to act thereon, till all the Muster Rolls of the Regiment under Coll^o Blanchard for the Crown Point Expedition, be laid before the house, in order to their being passed, and the soldiers paid off for the last Expedition, as it can't be expected they will Enlist again till paid, and if they think proper to inquire who his Excellency proposes for field officers, if the General Assembly should accept of said Reports.

The Committee above immediately waited on his Excellency, and on their return for Report say—That they Delivered the substance of said message to which his Excellency was pleased to say that he thought all Coll^o Blanchards Papers was Deliverd to the Committee, that he should appoint the best men in the Govern- [p. 115.] ment for the officers in the intended Expedition that would undertake, and further added that the Report of said Committee was agreeable to him.

Mr. Speaker adjournd till 9 o'clock tomorrow morning.

Fryday, March 26th 1756.

Met according to adjournment, 9 o'clock.

Report of Committee.

Province of }
New Hamp^r } March 25th 1756.

The Committee appointed by vote of the General Assembly yesterday to consider of the subject matter of his Excellency's message of the 23^d to both houses and the papers therein referr'd to & to Report to the General Assembly what may be incumbent upon this Province to do in Relation thereto, having had his Excellencys said message and the several papers therein Refer'd to before us and fully considered the same ; Considering also the just grounds this Province hath to expect a Reimbursement of the charge it was at the last year in joyning in the Expedition for removing French Incroachm^ts at or near Crown Point, as well as repaying the charge of the Ensuing proposed Expedition as his most gracious Majesty's Pleasure hath been signifi'd to his Excellency by a letter from Sr Thomas Robinson,

Do Report, viz,

That they think it Incumbant on this Province to Raise a Regiment to consist of five hundred men officers included to joyn such forces as shall be raised in his Majesty's other governments in New England and New York for removing the French incroachments at or near Crown Point or other places but not to be imployed to the southward of Albany or westward of Schenactady, & to be Retained in the service one year unless the Expedition shall be sooner over. And in order to Defray the Expence of Raising & supporting the said Regiment the sum of Thirty Thousand Pounds in Paper Bills on the Credit of the Province be struck from the Plates from which the last Emission was struck for carrying on the said Expedition and that Proper Acts be past for Repaying the same, and that the sum of three thousand Pounds sterling in silver be borrowed of Gen-

eral Shirley and that the security by him proposed be immediately given [p. 116.] for the Repayment of the said sum; That the pay and subsistance of both officers and men be the same as set down in ye Schedule for that end made and herewith presented.

And that a proper agent or agents be sent to Albany fully authorized & Instructed to manage the affairs there relating to the transportation of the provisions or other necessary matters to be there transacted.

All which is Humbly submitted, by order,
Theodore Atkinson, in behalf of
the Committee.

Voted that this Report be accepted with the following amendments, viz. That the men be Enlisted and for nine months if the Expedition is not sooner over: That the thirty Thousand pounds to be emitted be rais'd and paid into the Treasury as follows, viz. Ten thousand pounds part thereof in the year 1759, by the 25th of December, and Twenty thousand Pounds the remaining part thereof in the year 1761 by the 25th of December in said year: That the bounty and advance wages be paid in the Bills to be Emitted, and that the money be borrowed out of the Treasury to begin the affair with till the Blank sheets in the Province Box may be signed: That the Bounty for Enlisting be five Pounds five shillings in the Bills to be Emitted: That no Inlisting officer Receive any money out of ye Treasury without giving Bond with good security to be accountable therefor: That the sterling money to be borrowed of General Shirley be Rec^d by the Treasurer & lay in the Treasury to be improved for purchasing such Provisions and stores as cannot be purchased with paper money and for defraying charges in the other Governments and transporting Provisions from Albany to Lake George as the General Assembly may order. Sent up by Messrs Giddings, French & Hale.

Mr. Sec^y Bro't into the house his Excellencys message to both houses of this Date, with the papers thereon Referr'd to, and s^d they must be Return'd again—all which was read—

Message of the Governor.

[Copied from MS. Gov^rs Messages. Vol. II. p. 459.]

Gentlemen of the Council
and of the Assembly

The unseasonable delay in finishing the Grant of men for the Crown Point Expedition gives me great concern, and unless it is forthwith compleated, it appears to me that a late attempt will be fruitless, as the other governments interested in the Expedition will have no dependence on forces from hence.

The Secretary will lay before you Sir Charles Hardys letter of the 17th Inst. allso the Resolution of the Assembly of New York (1) of the 16th for an additional grant to the Crown Point Expedition and for four hundred

(1) Sir Charles Hardy's letter and the Resolution of the New York Assembly cannot now be found.—Ed.

men for the defence of the Western frontiers of that government, I am hoping the wisdom and conduct of that government will have a happy Influence on the conduct of this.

B. WENTWORTH.

Council Chamber in
Portsm°, March 26, 1756.

[p. 117.] Province of New Hampr } Allowance for wages for a Regiment of five hundred men for the intended Expedition to Crown Point, New Tenor.

Coll° of said Regiment pr month	£36
Leut Coll° of Ditto	30
Major of Ditto	25 : 10
One Commissary to Ditto	15 : 3 : 9
One Capt. of 50 men, officers included	15 : 3 : 9
One Leut of such a Company	10 : 2 : 6
One ensign for Ditto	6 : 15
Provided such Capt. & Leut & Ensign raise a Compa of 50 men.	
One Chaplain for said Regiment	18
One Adjutant for Ditto	6 : 15
One Chirurgeon for Ditto	28 : 2 : 6
One Do. Mate for Ditto	15
Three Sergeants to each Compa to each	5 : 8
Four corporals to each Compa to each	4 : 14
One Clerk to each Company	5 : 8
One drum major	5 : 8
One Common drumer to each Compa	4 : 14 : 6
For each private sentinel	4 : 10
One armorer for said Regiment	11 : 5
For his Assistant	5 : 12 : 6
Capt. Leut to the Coll°	15 : 3 : 9
Commissary to the Hospital	8 : 8 : 9
2 Leuts to each of ye Field officers Compa, yt ye 2 Leuts in the Coll° Coma, & ye 2 Leuts in ye Leut Coll° and Majors Company	10 : 2 : 6

Allowance at the Place of Rendezvous.

Each man,	14 oz. Bread.	pr Day
	14 oz. Pork	pr Do.
	1 gill Rum	pr Do.
	½ pint peas or beans	pr Do.
	½ lb. Sugar	pr Week
	2 oz. Ginger	pr Do.
	1 lb. Flower	pr Do.
	1 pint Indian meal	pr Do.
	4 oz. Butter	pr Do.
	1 pint Molasses	pr Do.

Theodore Atkinson, of the Comtee.

[p. 118.] Mr. Speaker adjourned till 3 o'clock

P. M.

Whereas the Committee for Purchasing Provisions and stores for ye Crown Point Expedition laid before the house an accompt from Major Elisha Williams of Deerfield, amounting to £199 : 19 : 11 Lawfull money of the Massachusetts, partly paid by him for

Billeting soldiers & nursing & Billeting sick soldiers belonging to Coll° Blanchards Regiment, and demands made on him by Doctors and several other persons for nursing; attendance & Expence on sick soldiers belonging to this Province on the Crown Point Expedition, and whereas there are many other acco^ts & Doct^rs Bills of ye like sort presented to the Committee ;

Voted, That the Committee for the Crown Point Expedition be impowered, and they are hereby fully impowered to Receive, examine & make such allowance on all such acc^ts as have & may be presented to them on acc^t of said Expedition as may to them appear just and reasonable, to Discharge the said acc^ts and place the same to the account of the late Expedition to Crown Point. Sent up for concurrence by Mr. Chamberlain. [Concurred.]

[P. 120.] Monday March 29th 1756, 3 o'clock P. M.

A number of the members being met but not sufficient to make a House—

Mr. Sec^y Bro't into the house his Excellency's message of this Date to both Houses with Genl Shirley's Letter to him of ye 27th Inst. and left it with the Speaker.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, p. 461.]

Gentlemen of the Council
and of the Assembly

I have directed the Secretary to Communicate to you General Shirley's letter to me in answer to my proposal of Augmenting the Sum of £3000 sterling to £6000 sterling, which you will observe he has consented to, and on what terms. This sum I thought was necessary, & without it neither officers nor men could be properly provided for, neither could the stores of Provisions &c. be transported to the Lake without this additional aid.

His Majesty's Instruction lays heavy on the Assembly, and must finally be obeyed. I shall therefore hope you will advise to a grant of one hundred men to be employed for the defence of the frontiers, if wanted, otherwise to be aggregated to the 500 men in the Crown point Expedition.

B. Wentworth.

Council Chamber in
Portsmouth 29th March, 1756.

Letter from Gov. Shirley to Gov. B. Wentworth.

[Copied from MS. Corr. Vol. III, p. 39.]

Boston March 27th 1756.

S^r

I am favoured with your Excellencys Letters of the 24th Instant by Express & am in hopes your Excellencys Assembly is now come to some effectual resolutions upon the Part they will take in the Expedition against

Crown Point, I observe what your Excellency says concerning the hopes you have given both Houses in your message to them that I will make up the £3000 Sterling £6000 Sterling in case they make a Generous grant for this Service and provided the Security is Equal to that given in my own Governm^t.

In answer to which your Excellency may Depend upon my doing every thing in my Power that I can justly to the Crown and you can reasonably Desire me to do for assisting you in the Proposed service within your own Province and will augment the sum of £3000 upon the Terms mentioned in your Letter as far as I can Procure the money not exceeding £6000.

I am Sir,
Your Excellency's most Humble &
Most obedient Servant—

W^m. SHIRLEY.

To His Excellency
Benning Wentworth Esq.
Copy Ex^d pr Theodore Atkinson, Sec'y.

Tuesday April 1st 1756.

Met according to adjournment.

An Act for granting unto his most Excellent Majesty the sum of Thirty Thousand Pounds for the promoting and carrying on an Expedition to Crown Point, having been read three times,

Voted That it pass to be Enacted.

Grant of £30000 for Crown Point Expedition.

[Copied from MS. Corr. Vol. III, p. 45.]

Province of New Hamp^r } Anno Regni Regis Georgii Secundi Magnæ Brittaniæ, Franciæ et Hiberniæ, Vicessimo Nono—

An Act for Granting unto His Most Excellent Majesty the sum of thirty thousand pounds for the promoting & carrying

Act On an Expedition to Crown Point—

Whereas there is a projection of carrying on an Expedition against Crown Point & His Majesty's Subjects of this Province being willing to forward & promote the same as much as they can,

Be it therefore Enacted by His Excellency the Governour Council & Assembly that his Excellency be and hereby is desired to cause to be Enlisted the number of five hundred able Bodied & effective men Officers & Soldiers Included to joyn with the Forces that are or may be Raised in His Majesty's other Governments for the Purpose aforesaid (But not to be Employed to the Southward of Albany nor to the westward of Schenectady) under such proper officers as shall be appointed and Commission'd by his Excellency the Governour to be under the Command of such Person as shall have the Chief Command of the Forces that are or shall be Rais'd for the aforesaid Business on such pay Rewards Incouragements & Gratuities as shall be allowed & given by the General Assembly.

And be it further Enacted by the Authority aforesaid that the sum of twenty eight thousand Pounds in Bills of Public Credit be struck off of the large Plate and the sum of two thousand Pounds off of the small Plate from which the Late Bills of Credit of this Province for the Crown Point Expedition (the year Past) were struck (the date being alter'd) to

pay the Officers & Soldiers when the Muster Rolls are made up and allow'd by the General Assembly and to defray the Charge this Government may be at towards carrying the said Affair into Execution to pay for the imprinting & signing said Bills & other necessary charges that may arise in carrying on & managing the said Affair as the Generall Assembly shall Order—

That each Officer & Soldier who shall Enlist shall be in pay for the Space of Nine Months from the first Muster to the time of their discharge unless the Expedition shall be sooner over that each Person who shall enlist & proceed in said Expedition shall be freed & exempted from all Military impresses for the space of one year next after the said Expedition shall be over.

And be it further enacted by the Authority aforesaid that no Officer or Soldier that shall Enlist for & proceed in the said Expedition shall be liable to have his Body arrested stay'd or Imprison'd during the Continuance of said Expedition upon mean process or Execution Except the debt or Judgment be for the sum of fifty pounds new tenor, but if one Plaintiff have two or more Executions against one man it shall be looked upon as one Debt—

That there be a Chaplain Surgeon & Commissary to be appointed by the Generall Assembly—And for a Fund & Security for the drawing in & sinking the said Bills—

Be it Enacted by the Authority aforesaid that there shall be a Tax on the Polls & Estates within this Province in two Payments namely ten thousand pounds part thereof in the year one thousand seven hundred & fifty nine and twenty thousand pounds the remaining Part thereof in the year one thousand seven hundred & sixty one to be paid into the Treasury by the twenty fifth day of December in each of the said years—

And that the Treasurer of this Province for the time being Issue out his Warrants in each of the said years for the assessing Levying & Collecting the same on or before the last day of May in each of the said years agreeable to the Proportion which shall then be in force and that what of said Bills shall be paid into the Treasury shall be burnt to Ashes in the face of the Generall Assembly in order to sink so much of said Bills—

And that each Warrant for drawing any of said Bills out of the Treasury for the ends & Purposes aforesaid shall be sign'd by His Excellency the Governour or Commander in Chief for the time being with the advice of his Majesty's Councill & be agreeable to the Votes of the General Assembly—

And be it further enacted by the authority aforesaid that the aforesaid Payments for drawing in & sinking said Bills shall & may be made in the said Bills or in Bills of the same tenor or in Spanish Mill'd Dollars at the Rate of fifteen shillings pr Dollar or in other Silver or Gold in Proportion or in good Barr Iron at three Pounds pr hundred weight good well dress'd Hemp at one Shilling pr Pound good well dress'd Flax at one Shilling pr Pound good Indian Corn at six shillings pr Bushell good Pease at ten shillings pr Bushell good Pork at seven pence pr Pound good winter & spring Codfish at thirty shillings pr Quentall to be deliver'd to the Treasurer at the Cost & Charge of the owner and that the Treasurer Issue out his Warrants for the calling in & sinking the said Bills in each of the said years accordingly—

And that the Treasurer as soon as may be sell such goods as shall be paid him as aforesaid for the most they will fetch and that the money arising thereby shall be in the Treasury for a Fund for sinking so much of said Bills as said Goods shall sell for—

And be it further Enacted by the authority aforesaid that Joseph Newmarch Clement March Esqrs & Andrew Clarkson shall be and hereby are appointed a Committee to get the said Sum of thirty thousand Pounds in said Bills of Credit Imprinted & Struck off on the best Terms they can

& with all possible dispatch & to deliver the same unto the Committee herein after appointed to sign the said Bills as soon as they shall be Imprinted and Struck off & take a receipt for the same—

And that Theodore Atkinson Richard Wibird Daniel Warner, Henry Sherburne junr Eleazer Russell Esqrs & Capt. John Wentworth shall be and hereby are appointed a Committee to sign the said Bills each Bill to be sign'd by any three of them which Bills being so sign'd shall be deliver'd by the said Committee unto the Treasurer of this Province for the time being & to be drawn out & apply'd to & for the Ends & Purposes aforesaid as the General Assembly shall order taking the Treasurer's Receipt for the same.

And that the said Committees shall be under Oath for the faithful Discharge of their Respective Trusts—

And that Richard Wibird John Downing Sampson Sheaff Daniel Warner, Henry Sherburne junr Thomas Bell Esqrs Mr John Knight junr & Mr Zebulon Gidding be and hereby are appointed a Committee to Purchase Provisions & Blankets and to provide all other things necessary to carry the said affair into Execution.

And be it further enacted by the Authority aforesaid that if any Part of said sum of thirty thousand Pounds shall not be used & emprov'd for the Business aforesaid

That the same shall Lye & Remain in the Treasury for sinking so much of said Sum by this Act to be emitted unless it shall be otherwise Order'd by the Generall Assembly—

And be it further Enacted by the Authority aforesaid that every Person who shall Receive any money out of the Treasury for Enlisting men for the said Expedition shall give Bond with good Security in double the sum he shall receive unto the Treasurer for the time Being for the use of this Government to be Accountable for what he shall Receive—

And be it further Enacted by the authority aforesaid that whatever Sum His most Excellent Majesty shall be graciously Pleased to pay towards the said Expedition shall be put into the Treasury and lye there for a fund for sinking so much of the said Sum of thirty Thousand Pounds Bills of Credit hereby Emitted as the same will Answer for, as the Generall Assembly shall hereafter Order & Determine and that the overplus of what his Majesty shall be pleased to pay shall lye in the Treasury for a Fund for sinking so much of the Bills of Credit Emitted the Last year by this Government for carrying on the Expedition to Crown Point as the same will answer for as the Generall Assembly shall hereafter Order & determine—

And be it further Enacted by the Authority aforesaid that Collo Peter Gillman Esqr & Capt Thomas Westbrook Waldron shall be and hereby are appointed Agents in behalf of this Province to Repair to Albany there to Transact any Affairs on the Part of this Province Relating to the Intended Expedition agreeable to such Instructions as they may Receive from time to time from the Generall Assembly of this Province.

Province of New Hampr } In the House of Representatives April 1st 1756

This Bill having been Read three times

Voted that it pass to be Enacted—

Henry Sherburne junr. Speaker

In Council April 1st 1756

The foregoing Bill Read a third time and passed to be Enacted—

Theodore Atkinson Secy

In Council April ye 14th 1756

Consented to B Wentworth.

Copy exd pr Theodore Atkinson Secy.

P. M.

Whereas an Act has this day been passed in this house and sent up for concurrence, whereby his Excellency the Governour is desired to cause to be Enlisted the number of five hundred able bodied effective men officers & soldiers included to joyn with the Forces that are or may be raised in his Majesty's other Governments for carrying on an Expedition against Crown Point, for the Encouragement of such persons as shall be willing to engage in said service,

Voted That besides the bounty of five pounds five shillings already Voted, there be granted to each able bodied effective man [P. 123.] that shall Inlist before the fifteenth Day of May next, a Blanket, hatchet & Snapsack, That such men as were in the last Expedition and shall Enlist anew, shall be allowed half wages from the first day of January Last past over & above the Encouragement aforesaid; & that such officers and soldiers as shall proceed in the said Expedition, shall not be taxed for their Polls the present year; That each officer and soldier shall have one months pay advanced to be paid when they shall be ready to march; That every person who receives ye above bounty shall be oblig'd to find himself a gun; That the soldiers pay commence from the time of ye first muster, and that immediately after s^d muster, his Excellency shall be desired to order each Captain to lodge a true muster Roll of his Company in the Sec^ys office. Sent up by Mr. Knight. [Concurred.]

Voted That the agents appointed to repair to Albany by the Act for emitting Thirty Thousand Pounds sent up to the Honble Council this day, be allowed Thirty six pounds each pr month, while they are in y^t service, & that their necessary Expenses [be] born by the Governm^t. Sent up by Mr. French. [Concurred.]

Saturday April 2^d 1756.

Met according to adjournment. Mr. Sec^y Bro't down a written message from his Excellency to both houses, as on file, with the Act that passed yesterday for Emitting Thirty thousand pounds.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 377.]

Gentlemen of the Council and of the Assembly—

In a Bill passed in the Assembly the first Instant & concurred by His Majesty's Council the same day, for granting unto His most Excellent Majesty the sum of thirty thousand pounds, for and towards carrying into execution an Expedition against Crown Point in Conjunction with His Majestys other Governments, I observe with the greatest concerns, the Incroachments made on the Prerogative of the Crown, & the necessity I

am drove to of dispensing with His Majesty's Instructions by the reservations & appointments made in that Bill which renders it liable to so many objections on my part, & is so manifestly Injurious to His Majesties service that in the common course of business a bill of this nature & tendency could never obtain my consent, & nothing but the necessity of the service will induce me to consent to the bill as it now stands, because it cannot be laid before the King for his Approbation. I shall therefore hope you will reconsider the Bill, & make it agreeable to your constitution, & not take the advantage of the present necessity to continue your incroachments on the Royal Prerogative, or take measures that are dishonourable to any state or Government to effect it or compel me to a total disregard of the Kings Instructions, which must be the case if I consent to the concured bill, on the other hand If I deny many consent, the Intended service is at an end.

There appears to me to be another essential defect in the bill, by the Title it must be presumed & infered, that a grant is to be made to his majesty of £30,000, but in the enacting part, such a grant is not to be found, which I make no doubt both the Council & Assembly will think very necessary to alter & amend, as well as the reservations & appointments, all which will be very agreeable to me, but if the council & assembly, should insist on the bill as it now stands, & the urgent necessity of the Government demands my consent, it will issue in dishonour & reproach to the Province but you could not have meditated for me, a more singular service, as it will establish my prudence & good conduct before the King & his ministers, which has heretofore been applauded in similar cases with preceding assemblys.

B. Wentworth.

Council Chamber in
Portsmouth 2d April 1756.

Voted, Clement March and Joseph Smith Esqs. be a Committee of this House to joyn with such as may be appointed by the Honble Council to wait on his Excellency & to inform him that said Act is agreeable to the common form in which all the rest have been Drawn in such cases, that the time is so far elapsed that if there was a disposition in the General Assembly to make any alterations it would greatly retard the affairs and therefore pray that his Excellency will be pleased to consent to it as it stands.

[p. 125.] Mr. Secy Bro't down a copy of the Instruction for the agents that proceed to Albany from ye Massachusetts, and left it with the speaker

P. M.

The Committee appointed to wait on his Excellency in the morning Report that his Excellency said he expects an answer to his message in writing.

Therefore, Voted, That Clement March & Joseph Smith Esqs be a Committee of this House to join with such as may be appointed [p. 126.] by the Honble Board to prepare an answer to his Excellency's Messa of this Date to both houses, and to present the same Imediately. Sent up by the clerk.

Daniel Warner Esq. came down and said the Board had joyned a person to answer his Excellency's message who was ready to attend the affair.

The Committee appointed by the House imediately waited on the Committee appointed by the Council to joyn, and Clement March Esq. Bro't into the house the said Committee's Answer to his Excellency's message of this date, a copy of which is on file.

Province of N. Hampshire } [*Copy of said Answer.*]

May it please your Excellency

In answer to your Excellency's message of this Day relating to the act for granting to his most excellent Majesty the sum of thirty thousand pounds for carrying on an Expedition to remove the incroachments made and making upon his Majesty's territories at or near Crown Point, wherein your Excellency mentions our attempt in infringing upon the Royal Prerogative; we beg leave to assure your Excellency that anything of that nature is far from our thoughts; and since receiving your Excellency's message we have recurr'd to the several acts passed on the like occasions and find them as much like the present as the nature & circumstances would admit; and therefore hope your Excellency will be Pleased to signe the same, being convinced no Blame can arise therefrom as it has been the custom for a long time past, if not always to pass acts of this sort in the same method. Humbly submitted pr

April 2d 1756. Dlvd by order of } Comtee.

Voted That the same be accepted. Sent up for concurrence pr the Clerk. [Concurred.]

Mr. Speaker adjournd till 9 o'clock tomorrow morning.

[p. 128.] Mr. Secy Brought down his Excellency's message, to both Houses of this day, as on file—which was read.

Mr. Speaker adjourn'd till 9 o'clock tomorrow morning.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. II, p. 381.]

Gentlemen of the Council
& of the Assembly.

In your answer to my message of the 2d instant you gave me no assurance that the amendments I therein Referred to should be made, & as the neglect thereof will not only be highly Injurious to his Majesties service in many Instances but may be attended with fatal consequences to the Government I should therefore stand chargeable with unfaithfulness to my masters service & esteem myself Regardless of the true Interest of his subjects, should I omitt pressing upon you those Interesting measures which cannot fail of Recommending you to the Royal favour.

The King in his commission has Reserved the appointment of all officers civil & military & other necessary ministers & officers for the better administration of justice & puting the Laws in execution, are not the appointments in the bill now before me to put that law into execution, & to

conduct the services therein Required to be done, this is a fact that must be admitted the consequence then is that the Power His Majesty has Reserved to himself is totally Disregarded.

The Reservation made in the Bill of a Chaplain Surgeon and Commissary is an Infringement on the Prerogative had the Reservation extended to the three field officers or to three Captains in the Intended Regiment the Prerogative had not been more or less affected by it—

It is known to many Gentlemen in both Houses though perhaps not to all, that no grant of money is to be made but what is expressly Declared & enacted to be granted to his majesty which the Bill now before me does not expressly Declare & this is Directed to & Required of me to observe in his Majestys Instructions

The General design of the Kings Instructions are to preserve peace & good order in the administration of Government, they are also calculated for the peace safety happiness & Prosperity of His subjects & it is with Grate Reluctance that I must observe to you how they are also disregarded even upon slight & unwarrantable occasions.

I must therefore hope & desire that these obstructions & Impediments to his majesties service may be Removed & that every branch of service may duly & agreeable to his Majesties Gracious Intention be attended to

B. Wentworth.

Council Chamber in
Portsmouth April 5th 1756.
Copy from the Original—Andrew Clarkson, Clerk.

Tuesday April 6th 1756, P. M.

[p. 129.] *May it please your Excellency*

It is with extream concern that wee observe by your Excellency's message of yesterday that the Act for granting to his most Excellent Majesty the sum of Thirty thousand pounds to promote the Intended Expedition to Crown Point is not agreeable to your Excellency, and wee beg Leave humbly to assure your Excellency that our Hearts are very much engaged in this affair and that wee are so far from making the least encroachment on the Royall Prerogative that we think it our Duty & privilege as well as interest to support and maintain it to the utmost of our Power. Wee cannot conceive that the appointments in ye Act are any Infringment on the Reservations mentioned by your Excelly to be in the King's Commission, for the appointments are not in the sense of sd Reservations either military or civil, not military to execute military orders, or civil for the better administration of justice and putting the Laws in execution; by the word ministers, is plainly intended ministers of law and not of the Gospel.

Selectmen of Towns, Clerks &c. are civil officers but wee presume that your Excellency don't suppose that those officers came within the words of the Resolutions, neither can ye appointments in the Act.

The Act is Intitled an act for granting to his most Excellent Majesty the sum of Thirty thousand Pounds, and the whole of said sum is appropriated to his Majestys service agreeable to said Title which we humbly conceive fully answers your Excellencys other objection.

Wee bear a constant sense upon our minds of his Majestys most gracious Intentions in his Royall Instructions, and hope wee shall always be enable to pay that due Regard to them as will sufficiently evidence our strongest Endeavours topromote his Majesty's service, and as the Act before your Excellency is a fresh Evidence thereof, wee humbly hope for your Excellencys consent thereto as it stands.

Sent up by Mr. Knight.

[p. 130.] Mr. Secretary Bro't Down his acc^t of Expences going to Boston to waite on General Shirley agreeable to the vote of this House the 2^d March last, wch is as follows—viz.

To 11 days, at 60*s* pr day—	£33.
By £5 sterl^g of ye Committee of war, at 375 pr cent.	18 : 5
Ballance due—	14 : 5
	£33 : 0

Voted, The Ballance of this acc^t being fourteen pounds five shillings be allowed & paid out of the money in the Treasury for the Crown Point Expedition. Sent up by Mr. Wiggins. [Concurred.]

[p. 131.] Mr. Speaker adjourned till 3 oclock

P. M.

The Honble Richard Wibird & John Downing Esq. bro't down his Excellencys Message to the house of this Day Relating the Act to be past, which now lays with his Excellency for his consent and has ever since the first Instant,—which was read and is on file—

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. pp. 385-387.]

Gentlemen of the Assembly—

The [following] Extracts from his Majesties Commission & Instructions, I am hoping will set the obstructions to my consenting to the bill for the Crown point Expedition in so clear a light, that you will without any further delay agree to the amendments I require, and as soon as that is done, and the act for borrowing the money of General Shirley is passed, I will give my final answer and determination on both. In the mean time I shall proceed upon Inlisting the five hundred men for the proposed Regiment for Crown Point, even at my own Expence if it cannot be otherwise effected, lest his Majesty's service should be injured.

B. Wentworth.

Council Chamber in
Portsmo' April 7th, 1756.

[*Extracts from Instructions.*]

14. "You are to observe in the passing of all Laws, that the style of enacting the same be by the Governor, Council and Assembly: You are also as much as possible to observe in the passing of all Laws, That whatever may be requisite upon each different matter, be accordingly provided for by a different Law, without intermixing in one and the same Act, such things as have no proper relation to each other; And you are more especially to take care that no clause or clauses be inserted in or annexed to any Act, which shall be foreign to what the Title of such respective Act imports: And that no perpetual Act be passed of any temporary Law, and that no Act whatever be suspended, altered, revived, continued or repeated by General Words, but that the Title and Date of such Act so suspended, altered, revived, continued or repealed, be particularly mentioned and expressed in the Enacting Part.

15. "You are to take care that in all Acts for orders to be pass'd within that Province in any case for Levying of Money or imposing Fines or Penalties, express mention be made that the same is granted or reserved to his Majesty, his Heirs and Successors, for the public uses of that Province, and support of the Government thereof, as by the said Act or Order shall be directed: And you are particularly not to pass any Law, or do any Act by Grant Settlement or otherwise, whereby the Revenue may be lessened or impaired without his Majesties especial leave or Command therein."

The foregoing are copy of his Majty's fourteenth and fifteenth Instruction to his Excellency Benning Wentworth, Esq. Governour &c.

Attest, Theodore Atkinson, Secy.

[*Extracts from Govrs Commission.*]

"And we do hereby authorize & Impower you to constitute and appoint Judges, and in cases requisite Commissioners of Oyer & Terminer Justices of the Peace, & other necessary officers and ministers in our said Province, for the better administration of Justice and putting the Laws in execution; and

"We do hereby require & Comand all officers & ministers Civil & Military, and all other Inhabitants of our said Province to be obedient, aiding and assisting unto you the said Benning Wentworth, in the Execution of this our Commission, and of the Powers and authoritys herein contained."

A copy of two Paragraphs of his Excellency
Governor Wentworth's Commission.

Attest—Theodore Atkinson, Secy.

(a) Journ. Coun. April 7, 1756. His Excellency with advice of Council appointed Wednesday the 21st of April Inst. to be a day of Fasting & Prayer thro' out this Province.

Mr. Speaker adjourn'd till 9 o'clock tomorrow morning.

Thursday April 8, 1756.

Met according to adjournment.

A List of sundry Persons in Capt. Tash's Roll from whom there is to be the following Deductions.

Daniel Roberts	5	days at 75*s.* pr month.	£0 : 13 : 4
Orlando Colby	11	do.	1 : 9 : 4
Elias Colby	18	do.	2 : 8 : 0
James Philbrook	19	do.	2 : 10 : 8
Jacob Hancock	19	do.	2 : 10 : 8
Ephraim Currier	20	do.	2 : 13 : 4
Benjamin Well	25	do.	3 : 7 : 0
Peter Dow	25	do.	3 : 7 : 0
Philip Hills	25	do.	3 : 7 : 0
Thomas Crofford	29	do.	3 : 17 : 8
Paul Chase	34	do.	4 : 11 : 0
John Coarser	34	do.	4 : 11 : 0
Thomas Welch	34	do.	4 : 11 : 0
John Welch	34	do.	4 : 11 : 0
William Eastman	36	do.	4 : 16 : 4
John Page	36	do.	4 : 16 : 4

David Quimby	36	do.	4 : 16 : 4
John Dent	36	do.	4 : 16 : 4
Benjamin Richards	19	do.	2 : 10 : 8
			66 : 4 : 0

[p. 132.] Whereas it appears sundry of the men in Capt. Tash's Roll, whose Names are written, are set down in ye said Roll the number of days before they were actually Inlisted as if set against their Names, as appears by Capt. Baylys acc^t^ who Inlisted the men, therefore

Voted, That there be deducted off the said Roll from the several persons above mentioned the several sums as is set against each man's name, amounting to sixty six pounds four shillings, that the Treasurer pass the same to the credit of the Province. Sent up by E. Russell Esq. [Concurred.]

[Answer of the House to his Excellency's message, April 7, 1756.]

May it please your Excellency

The House humbly beg leave to say in answer to your Excellency's message of yesterday, that tho' the answer of both houses to your Excellency's message of ye 5th Inst. is a full answer thereto, yet they would further observe, That as his Majesty's Revenue is not lessened or impaired by any clause in the act before y^r^ Excellency, it could not militate with the Instructions if the proper clauses were not inserted, but inasmuch as the whole is a grant to his Majesty and for his service and no other the Intent of the Instructions is fully complyed with. As to the Extract from your Excellency's Commission, wee cannot by any means think that it has any relation to such an act there being no such officers appointed by this act as are therein mentioned. Wee therefore again earnestly pray y^t^ your Excellency would be pleased to consent to the act as it stands, that the important affair may not be any further delay'd, but every thing go on regularly.

We cannot see how the act borrowing money of Governor Shirley can be passed till the act before your Excellency is finished, because if your Excellency should not think proper to consent to this, there will be no need of the other: however the house will be preparing that act with all possible dispatch. In full dependance upon your Excellency's consent to this,

Voted, That the preceeding be sent to his Excellency in answer to his message yesterday.

Sent up by Capt. Moulton.

The Committee appointed to sell the excise and make Report, Report as follows, viz:

Province of New Hampshire, March 31, 1756.

Pursuant to the within vote, We the subscribers have (after notifying) sold the Excise to the highest bidder and taken bonds of Capt. Joseph Thomas as principal & James Stoodly Jun. & Thomas Tash as suretys, for a Thousand Pounds new Tenor, & delivered four Bonds to the Treasurer and taken his Rec^t^ for the same.

Copy.

Sampson Sheaff } Committee.
Eleazer Russell }

Tuesday April 9th 1756.

Province of New Hampr } March 8, 1756, Recd of the Honble Sampson Sheaff & Eleazer Russell Esq. four Bonds of Joseph Thomas and James Stoodly & Thomas Tash each Bond for the sum of five hundred pounds for the payment of the Excise sold sd Thomas for the year 1756.

pr George Jaffrey, Treasurer.

The Committee above presented their acct of charge for sells the Excise amount to eight pounds five shillings.

[p. 135.] Voted That the above acct be allowed and paid out of money in the Treasury by Excise.

Sent up by Capt. Hale. [Concurred.]

The act for Granting unto his most Excellent Majesty the sum five thousand seven hundred and fifty pounds for Paying of the Muster Rolls of the Reinforcement of the Expedition to Crown Point last year, having been read three times,

Voted That it pass to be enacted.

Mr. Speaker adjournd till 3 o'clock

P. M.

Whereas an act has this day passed in this House for granting to his most Excellent Majesty the sum of five thousand seven hundred & fifty pounds for paying of the Muster Rolls and other necessary charges occasioned by the Crown Point Expedition and the Reinforcement thereof the last year to be struck off from the large Plate from which the late Bills of Credit of this Province for the Reinforcement to Crown Point were struck; and whereas there is in the Province Box one thousand blank sheets struck off from said Plate which make the aforesaid sum of Five thousand seven hundred & fifty pounds,

Voted That as soon as the aforesaid act has passed all the Branches, the said one thousand blank sheets be delivered to the Committee appointed by said Act to sign the said five thousand seven hundred & fifty pounds, and the said Committee are hereby Impowered and directed to sign them as fully to all Intents & purposes as if they were afresh struck off, and when signed to put said sum into the Treasury, which is to be accounted the sum to be emitted by said act.

[p. 136.] Voted That the Treasurer send out his Warrants for collecting ye Province Tax for the current year, which may be paid in specie, agreeable to the prices fixed & set to the following articles, viz.

Mercht hemp pr C.	£5 : 12 :
Flax pr pound	1 :
Winter & first fare Isle of Sable Mercht Codfish pr Qll.	1 : 10 :
Bar Iron pr C	3 : :
Rye pr Bushell	: 6 :
Wheat pr Do.	: 10 :
Barley pr Do.	: 6 :
Pease pr Do.	: 10

Indian Corn pr Do.		:	6
Pork pr pound		:	: 7
Beef pr Do		:	: 3
Joyst pr Thousand	2	: 10	:
Merch^{t} white pine Boards pr Thousand	2	: 15	:
White Oak two inch Plank pr Ditto	10	:	:
Bees wax pr pound		: 2	:
Pitch pr barrel	1	: 10	:
Tar pr Do.	1	: 5	:
Turpentine pr Do.	2	:	:
Bay-berry wax pr pound		: 1	: 6
Tann'd sole leather pr pound		: 2	:

[p. 137.] Tuesday April 13th 1756. P. M.

Mr. Sec^{y} brought down his Excellency's message to the Speaker & the Assembly Relating the Act for the Crown Point Expedition, and left it with the Speaker of yesterday's date.

Governor's Message.

[Copied from MS. Gov^{rs} Messages, Vol. II, p. 389.]

Mr. Speaker & Gentlemen of the Assembly,

By your answer to my message of the 7th Instant, it appears to me that you neither incline nor intend to make the amendments in the Bill that lies before me that I recommended, but that you rather are disposed to compel me to consent to it as the bill now stands, however injurious it may be to his Majesties service, and from the sense of the House on the plain and intelligible clauses of his Majesties Commission and the Royal Instructions recited in both my messages; at all events you seem determined to force me to a complyance, or that the Expedition must be given up on the part of this Government; the latter shall never happen, if my private fortune and credit can keep it up; and if I could dispense with the King's Instructions, the Royal Prerogative the Powers Authorities and Reservations of the Crown, with as much ease as you do in the House, I should find no difficulty to persuade myself to consent to your Bill.

Soon after it was his Majesties pleasure to place the Respective Governors of the Plantations under the immediate care and inspection of the Right Honourable the Lords Commissioners for Trade and Plantations, I had the Honour to receive from their Lordships the following commands and directions.

"As the Instructions are calculated in general for the support of his "Majesties Prerogatives, and the Protection of his subjects in their just "Rights for establishing and preserving good Government in his Colo-"nies, and promoting the welfare, quiet and prosperity of them, We "think it our duty to recommend it to you strictly to adhere to your In-"structions, and not to deviate from them in any point."

The succeeding Paragraph in their Lordships letter is in the following words:

"The passing of Laws in a method inconsistant with his Majesties In-"structions, is manifestly of great detriment to his Majesties service, "and the occasion of many difficulties, Insomuch as those Laws, though "they contain the most salutary Provisions, cannot receive the Royal ap-

"probation, but by his Majesty's dispensing with his Instructions: We "must therefore in a particular manner insist that in the passing of all "Laws you have a proper regard to the Regulations contained in your In-"structions."

The two following Paragraphs relate wholly to the appointments and reservations referr'd to in my Messages &c.

"The Assemblies taking upon them to appoint Committees in their sev-"eral Acts for the disposal of the money thereby to be Raised, and the "conducting the services to which it is applicable, is certainly a great en-"croachment upon his Majesties Prerogative. The people have taken "advantage of the necessities of the Government to carry this practice "to such a height, That it is become just matter of complaint; to put a "stop to it in time well deserves the attention of the Government.

"The Extraordinary Encroachments of the Assembly upon the Prerog-"ative of the Crown in naming civil officers has been under our consider-"ation, and as soon as other affairs will permit, We shall further consider "thereof, and make a representation to his Majesty thereupon."

Signed

J. Pitt
Dupplin
Chs. Townsend
Greenvelle
Fran. Fane.

I think it for his Majesties service to give you the foregoing Paragraphs of their Lordships letters that you may be convinced that by your answers to my two last messages, you neither think nor see justly on the subjects I therein explained myself upon; and as it has been his Majesties pleasure that their Lordships Board should be the tribunal before which all acts from his Plantations should be considered and reported from, whether proper and fitted to lay before his Majesty for the Royal approbation, I recommend it to your consideration and as a matter most worthy of it, whether it is for the honour of the Crown and the Interest of the people you represent to persist in unconstitutional errors, which in the end must have a tendency to subvert the best ordered Government and Establish faction and keep a party spirit in countenance.

I am sorry you cannot see how the Act for borrowing money of General Shirley bears any Relation to the Act now before me; but it appears to me to be the Basis on which the Expedition is founded, and untill that Act comes up I shall not be able to form any judgment in what manner the forces raising for the Expedition can be subsisted, and other contingencies which paper money will not provide for, paid with honour, so I shall rely on your promise to prepare it with all possible dispatch. In your passing that act I hope you will have due regard, that the respective branches of the Legislature have a full exercise of the Powers and Authorities assigned them, That no Injury may arise to his Majesties service for want thereof.

Council chamber, B. Wentworth.
Portsmouth, April 12, 1756.

Voted That Thomas Bell, Joseph Smith Esqs. & Capt Thom. W^k Waldron be a Com^tee to waite on his Excellency with the Bill for borrowing six thousand pounds sterling of Govr Shirley, & to inform his Excellency that the house (as soon as ye act before him for emitting Thirty Thousand pounds was consented to by his Excellency) were ready immediately to pass this for Borrowing the s^d £6000 ster^g, and that they could not see their way clear to pass it

till then, for if his Excellency did not consent to the act before him, there would be no need of this—who Returned and said they had deliver'd the above message.

Mr. Sec^y bro't down the above mentioned Bill & informd the house that his Excellency would not pass the Bill before him for Emitting thirty thousand pounds till the other for borrowing money of General Shirley came up, that he had no exception against said Bill but what was contained in his message to the house, that the house might depend upon it, that his Excellency would not pass one without the other, that he would come up to morrow and sign both if ready.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Wednesday April 14th 1756.

[p. 138.] Met according to adjournment 9 o'clock, A. M.

The Question being put whether the House would reconsider their vote of yesterday relating the Act for borrowing six thousand pounds sterling of General Shirley, & it passed in the affirmative.

An act for supplying of the Treasury with the sum of six Thousand pounds sterling money of Great Britain, having been read three times

Voted That it pass to be Enacted.

Sent up by Thom^s Bell, Joseph Smith, Esq. & Mr. Giddings.

P. M.

Mr Sec^y & Joseph Newmarch Esq. came down & Informd the house his Excellency was ready to pass the Acts now before him only he waited for an answer to his Mess^a of ye 12th Inst. sent to the house the 13th.

May it please your Excellency—

Wee humbly conceive that the message of both houses of the 8th Inst. in answer to your Excellency's message of the 7th is a full answer to your Excellency's message of the 12th laid before the house yesterday, and wee now beg leave to assure your Excellency that it is the disposition of this house to be exceeding tender of the Royal Prerogative, that any thing [p. 139.] that looks like an Incroachment thereon would be intirely disagreeable to the house and carefully avoided: the Matters in dispute do not appear to this house in the same light as your Excellency is pleased to Represent them, and tho' wee are ready at all times to yield the strictest obedience to the comands of his most gracious Majesty, and in his defence and service to lay out our lives and fortunes, wee cannot see at present how we can consistant with our Duty to his Majesty & faithfulness to our constituants make the proposed alterations in the Bill before y^r Excellency, for granting to his most excellent Majesty the sum of Thirty Thousand Pounds.

Voted That preceeding answer be sent to his Excellency's message of the 12th Instant.

Sent up by Collo Smith & Mr. French.

Whereas it appears that Jacob Bayly, Leut. of Capt John Allcocks Company is entered in said Allcocks Roll the 23d of Septemr, and it should have been ye 5th of Septemr, at which time he Received Beating Orders, Therefore Voted that the said Jacob Bayly be allowed eighteen days (more than is in said Roll) amounting to five pounds sixteen shillings, and that the same be paid out of the money in the Treasury for the Crown Point Expedition. Sent up by Capt. Hale.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Thursday April 15th, 1756.

Met according to adjournment.

Mr. Secy came down and Inform'd the House that the Act for emitting Thirty Thousand pounds and the Act for Borrowing the sum of six Thousand pounds sterling of Genl Shirley, & the Act for granting unto his most excellent Majesty Five thousand seven hundred & fifty pounds, were all concurred by the Council & consented to by his Excellency.

[p. 140.] Voted That the Plates from which the late Emission of paper Bills for the Crown Point Expedition were struck, be delivered to the Committees appointed to get the Thirty thousand pounds Impressed for carrying on the Expedition to Crown Point this present year, & that they with all possible Dispatch get the Thirty Thousand pounds impressed according to the Act for Emitting said sum, and that the said Comittee be furnished with suitable money out of the Treasury to enable them to do the same, and that they be allow'd fifteen shillings in said Bills pr Day for their time and Expences, and if they are obliged to go to Boston their Expences to be born by ye Provce. Sent up by Mr. Knight.

Voted, That the Committee appointed (by the Act for Emitting Thirty thousand pounds,) to provide necessary stores for carrying on ye Expedition intended by said Act, be and they are hereby fully impowerd to provide all things necessary for promoting and carrying on sd Expedition, and to do and transact every affair proper for a Committee to act in, relating thereto, and that when the Bills to be Emitted by said Act are in the Treasury, such sums thereof be paid to said Committee by his Excellency the Govrs warrant as may be sufficient to answer the end afforesaid, and cause such necessary stores, Provisions &c. when provided to be transported to Albany and delivered to the Province agents appointed to reside there, and that sufficient sums of sterling money be also put into their hands to enable them to purchase such provisions, stores & defray such charges as cannot be purchased & defrayed

with paper money, & to enable them to supply the said agents with money to defray the charge of transporting s^d provisions & stores to the army, & that they render Acc^t to the General Assembly of such sums as they shall so Receive. Sent up by Mr. Knight.

Mr. Sec^y bro't down his Excellency's message to the Assembly of this day as on file—the same was read.

Mr. Speaker adjourned till 3 o'clock afternoon.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II, p. 393.]

Mr Speaker & Gentlemen of the Assembly,

As no provision has been made this session for the payment of that part of my salary which depended on the Interest arising from the £25,000, I think it proper (there being many new members) to acquaint you that on the 12th of June next, the Government will be in arrears to me, two years & a half, for want of a sufficient Fund to pay the same; the late Assembly it is true made two different Grants, viz. £250 new Tenor at one time, and £375 Proclamation money, during my Administration it was inconsistant for me to receive the said sums, I would hope you will be so just to your selves as to make a sufficient fund for the payment of the arrears, as well as to prevent future messages on this occasion, which are not so agreeable to me.

You cannot but be sensible that all Emergencies in Government ought to be provided for either in the sum settled on me, or by after grants. The contingencys have even exceeded my own Expectations, among which I shall mention to you the Postage of Public letters, which have in some posts amounted to upwards of £30, old tenor; for this contingency there has never been any grant made, & it is now become so heavy, that I make not the least doubt of your makeing a full satisfaction for what is past, as well as for the future.

The King's Fort at New Castle demanding more Repairs than what the grant of the late Assembly would effect, I have not thought proper to make any use thereof, untill you make suitable grants for putting that Fortress in a posture of defence suitable to the present occasions, which I hope you will speedily do, that I may give the necessary orders therein.

B. Wentworth.

Council Chamber
in Portsm^o, April 15th 1756.

P. M.

This afternoon taken up in consulting what Instructions are proper for ye agents going to Albany.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

[P. 141.] Fryday April 16th 1756.

Met according to adjournment, 9 o'clock, A. M.

The Petition of Rev. Daniel Emerson(1) being read praying for an allowance for his horse, saddle & bridle being lost,

Voted, That the prayer thereof be granted, and that the sum of Twenty seven pounds ten shillings be paid the said petitioner out of the money in the Treasury for the Crown Point Expedition: That if the horse, bridle or saddle be found, that they be Delivered to the Committee of Warr or their order for the use of the Government. Sent up by Mr. Seavey. [Concurred.]

Whereas there is a considerable quantity of provisions and other stores which were provided by the Comittee for purchasing provisions & stores for the Expedition to Crown Point last year now in the hands or under the care of the Comittee in this place, and at Albany,

Voted, That all the said Provisions and stores be put into the hands and under the care of the Comittee appointed to provide provisions & stores &c. for the intended Expedition to Crown Point this year, & that the said Provision & stores be Improved for carrying on said Expedition.

Sent up pr Capt. Richardson. [Concurred.]

P. M.

[p. 142.] Voted That Henry Sherburne, Junr Joseph Smith Esqrs. and Andrew Clarkson be a Comittee of this House to joyn with such as may be appointed by the Honble Council to prepare Instructions for the agents appointed to repair to Albany & Lay the same before the General Assembly as soon as may be.

Sent up by Mr. Jones. [Concurred.]

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Saturday, April 17th, 1756.

Met according to adjournment.

Whereas it appears absolutely necessary for the more easy, speedy & effectual Transportation of Provisions and Stores for the Intended Expedition from Albany to Lake George that a number of men be sent from hence to be employed in that Business and no other;—and whereas it may prove of very great advantage to the main design to have small parties scouting in the woods for the discovery of the Enemy &c.

Voted That his Excellency the Governour be desired to cause to be Enlisted with all possible Dispatch, sixty effective men officers included, as an addition to the five hundred already Voted for the Expedition for removing Encroachments made and making by the French at or near Crown Point, to be imployed in scouting in

(1) Rev. Daniel Emerson was the first minister of Hollis, N. H., ordained there April 20, 1743; a graduate of Harvard College, 1739. He was Chaplain in Coll. Joseph Blanchard's regiment, 1755-6. Died at Hollis, September 30, 1801, aged 85 years.—Ed.

small parties for Discovery of the Enemy and their designs from Salmon Falls River to Lake George, till his Excellency shall think it necessary to order them to joyn the army: Also further Voted, that his Excellency be desired to give directions to the agents appointed by the Act for Emitting of Thirty Thousand pounds to Enlist on the best terms they can Twenty good & suitable men (four of which to be carpenters and wheelwrights) imediately to repair to Albany to assist in Transporting Provision & Stores to Lake George under the command of such officers as his Excellency may appoint, to be under the direction of said agents.

Sent up by Mr French. [Concurred.]

[p. 143.] Voted, That the agents appointed to Repair to Albany be impowered and they are hereby impowered to purchase Twenty good horses suitable to be Imployed in Transporting Provisions & Stores from Albany to Lake George, and cause them to be conveyed to Albany, and that they receive money from the Committee for purchasing provisions and stores for the Crown Point Expedition, to Enable them to carry this vote into Execution.

Sent up by Mr. Knight. [Concurred.]

Ordered, That the Clerk write to all the absent members, to give their attendance a Monday morning next at Ten o'clock, without fail.

Members wrote to not present: viz.

Thomas Millet, Thomas Bell, Clement March, Esqs. Capt. Jona. Moulton, Messrs Josiah Batchelder, Amos Seavey & Thomas Wiggins: all which Letters to the above seven members were forwarded by the members of ye House, save T. B. D'D J. N.

Mr. Speaker adjourned till 10 o'clock a Monday next, A. M.

[p. 144.] Tuesday April 20th 1756

Voted there be allowed and paid unto his Excellency Benning Wentworth, Esq. Govr & Comander in Chief in and over the Province of New Hamp^{r} out of the money that is or shall be in the Treasury the sum of Thirteen hundred & fifty pounds new Tenor for his more Honble and ample support & towards the ar- [p. 145.] rearages & Deficiencies in his Excellency's salary, unto the 12th day of Decr 1756, and that his Excellency draw the same out of the Treasury by his Warrant by & with the advice of his Majesty's Council.

Also, That each member of his Majesty's Council be allowed and paid out of the money that is or shall be in the Treasury the sum of fourteen shillings new Tenor for Every day of their attendance in General Assembly from the 20th day of October 1755, untill the Dissolution of the Present Assembly, and also six pence pr mile for Travelling to and from the place of the sitting of the

General Assembly every time the General Assembly is adjournd or Prorogued from Saturday to Monday or for any longer time during the said term, the same to be paid by the Treasurer upon certificate of the Secretary.

Also, That each member of the Present house of Represent^{s} be allowed & paid out of the money that is or shall be in ye Treasury the sum of twelve shillings new Ten^{r} for every day of their attending in General Assembly from the 23^{d} day of October 1755, untill the Dissolution of the present Genl Assemhly; also six pence pr mile for Travelling to and from the place of the sitting of the General Assembly every time the General Assembly has been or shall be adjourned or prorogued from Saturday to Monday or for a longer time, except such as live more than Twenty miles Distant from the place where the General Assembly sitts, who are not to be allowed Travelling unless when the Genl Assembly has been or shall be adjournd or prorogued for a longer time than from Saturday to Monday; but when the adjournment or Prorogation hath been or shall be from Saturday to Monday instead of Travell, to be allowed one days pay & that the said members be paid by the Treasurer upon a Certificate from the Clerk of the House of Representatives.

Also, That there be allowed and paid out of the money that is or shall be in the Treasury unto Theodore Atkinson Esq. for his service as Secretary the year 1755, to the first day of Jany last one hundred and fifty pounds new Tenor to be drawn out of the Treasury by his Excellency the Gov^{rs} warrant by & with the advice of [p. 146.] the Council, and that the Clerk of the present House of Representatives be allowed and paid out of the money in the Treasury the sum of twelve shillings pr Day for each day of his attendance in Genl Assembly, in that capacity (exclusive of his wages as a member of the house of Representatives) to be paid him by the Treasurer upon a Certificate from the Clerk of the House of Representatives.

Sent up by Messrs Smith, French & Hale. [Concurred.]

P. M.

Voted That the Ballance of this Muster Roll of the Staff Officers &c. under Coll^{o} Joseph Blanchard Employed in the Crown Point Expedition amount^{s} to Twelve hundred and seventy four pounds eleven shillings and eight pence half penny be allowed and paid out of the money in the Treasury for the Crown Point Expedition, and that the Ballance due to each person as carried off against his Name be paid to him or his order. Also Voted y^{t} no person or persons mentioned in said Roll, who Rec^{d} money of ye Treasurer or Comittee of War, for the use of said Expedition, be allowed to Receive any Ballance in said Roll due to him or them untill he or they have accounted for the money so Rec^{d} with s^{d} Comittee, and that the Chirurgeon receive nothing allowed him in s^{d} Roll until

he has accounted with the Comittee of War for the Instruments and large quantity of Medicine comitted to his care.

Sent up by the Clerk.

Mr. Sec^{y} came Down and said 'twas his Excellency's order to him to adjourn the Genl Assembly till Monday next ye 26th Inst. at 10 o'clock forenoon, & accordingly adjourned the same. (a)

(a) The following votes of allowances, bills, salaries &c passed by the house were concurred by the Council—April 26, 27th 1756.

Rev. Saml Langdon—praying in the House—29th May 1755 to 29th May, 1756,	£6 : 0 : 0	N. Ten.
Rev. Saml Haven, do do do	6 : 0 : 0	do.
Thomas Packer, Sheriff, 1755—1756—	12 : 0 : 0	
Benj. Akerman, door keeper, 1755—1756,	30 : 0 : 0	
Doct. Ezra Carter, for curing a Soldier's broken leg	4 : 0 : 0	
Amos Seavey, acc^{t} for wood	17 : 0 : 0	
Muster Roll of Staff officers in Col. Blanchards Reg^{t}	1274 : 11 : 8½	
Committee for signing the £15,000 loan for Crown Point.	24 : 9 : 2¼	

His Excellency gave his Assent to the following Votes of the house, concurred by the Council, April 27 & 28th 1756.

Vote about his Salary to December 1756.

Council of War of the Crown Point expedition to deliver up stores &c. to the present Com^{tee}.

Said Committee to settle & pay all acc^{ts} & transact sundry affairs.

Addition to the Crown Point Regiment.

Albany agents wages.

Vote for subsisting 20 men, 3 months at fort Wm. & Mary.

Pay to soldiers at the fort.

Commissary to be sworn and under oath for fidelity.

£300 allowed for Colonels' tables.

£6000 Tax to supply the Treasury.

Col. Neal's Roll, allowed, £135 : 14 : 5½.

Jona. Carleton's petition to rectify a judgment of Inferiour Court.

[p. 147.] Monday April 26th 1756, 10 o'clock, A. M.

A number of Members being present, but not sufficient to make a quorum, Mr. Sec^{y} adjourned till 3 o'clock P. M., [then again adjourned to]

Tuesday, April 27th 1756.

[p. 148.] Voted That the Rev. Mr. Daniel Emerson of Hollis be Chaplain of the Regiment for the Crown Point Expedition, Doc^{r} Ammi Ruhamah Cutter, Surgeon, and Mr. George King Commissary of Said Regiment, and if all or either of those Gentlemen should refuse the office that the Comittee of war provide a suitable person or persons in their stead, Provided the General Assembly be not then sitting. Sent up by Mr. Giddings.

Mr. Speaker then adjourned till 3 o'clock

P. M.

Whereas a vote passed the late Assembly the 28th of May 1755, & was sent up for concurrence desiring his Excelly the Governor to cause to be Inlisted not exceeding the number of twenty able bodied effective men officers included, to be placed at Fort Wm & Mary not exceeding the space of two months, there to guard, work &c. and Whereas his Excellency has been pleased in his Messa of the 15th instant to inform the house that he had not made any use of Said Grant,

Voted That his Excellency the Governor be desired to cause to be Inlisted not exceeding the number of Twenty able bodied effective men officers included to be placed at the Fort aforesaid not exceeding the space of three months there to guard & do such work about the Fort aforesaid & Batteries there as shall be ordered them by his Excellency the Governor, and that the pay of the soldiers besides their subsistance shall be four pounds ten shillings New Tenor pr month, to be paid out of the money that is or may be in the Treasury, after the Muster Roll shall be allowed of by the General Assembly, and

[p. 149.] Voted That there be allowed to the Colo of the Regiment for the intended Expedition to Crown Point three hundred pounds New Tenor for his Table.

Voted, That the Comissary of the Regiment for the intended Expedition to Crown Point, be accountable on oath for all the provisions & other things he shall Receive & be under Bond with sufficient sureties for the faithfull Discharge of his trust, and that he shall not deduct any part out of said Provision & apply it to his own use.

Sent up by Mr. Seavey.

Voted, That there be allowed and paid out of the money that is or may be in the Treasury unto the officers & soldiers posted and employed by his Excellency the Governr at his Majesty's Fort William & Mary from the 25th day of March 1755, to the 25th day of March 1756, two hundred and fifty pounds new Tenor to be in full for wages, Billeting and all other allowances during said term. [Concurred.]

[p. 150.] The Honble Daniel Warner and Joseph Newmarch Esq. came down to enquire what we had done about Neal's Muster Roll(1) Bro't in Jany 15, 1755, and if the house would do nothing about it, they desired it might be sent up.

The Committee to prepare Instructions for the Agents that are to Repair to Albany in behalf of this Province Report as follows:

The Committee for that purpose appointed have prepared Instructions for the Gent appointed by the Court to proceed to Albany, which Instructions are herewith humbly offer'd.

April 27th 1756.

Danl Warner,
by order of the Committee.

(1) Capt. James Neall commanded a company of 22 men, employed in scouting and guarding the Frontiers along the Connecticut River. See Potter's Mil. Hist. Ag. Gen. Rep. 1866, vol. II. p. 154

Province of New Hampshire. } INSTRUCTIONS for the agents appointed by the General Assembly to Repair to Albany to transact any affairs there in behalf of this Province Relating to the intended Expedition to Crown Point:

You being appointed agents in behalf of this Province to repair to Albany and there to transact affairs relating to the Expedition to Crown Point, are as soon as possible, to set out on your journey (having provided such men and horses as the Genl Assembly have order'd) and upon y^r arrival at Albany you are immediately to engage in proper measures for the transportation of provisions and stores to the Fort at the carrying place & Lake George for the use of the forces intended by this Governm^t for s^d Expedition. What men you may want for this service more than those to be sent from hence on purpose, you may either agree with persons who are not of the army to continue in service while they are wanted, or you may employ part of the Forces after they arrive at Albany as you think best, and you may make some addition to the pay of such force for their Encouragement, while they are in that service; and you are also to employ as many of the Forces from this Province as Guards as you shall judge necessary and convenient.

You will give such directions to the Comissary that may be appointed as you shall find necessary, who are to conform to your orders.

You are always to have this in your mind that the great end of your appointment is the Expediting the Transportation of the provisions and Stores so as that a sufficiency may be lodged at fort William Henry to be ready for the army upon its arrival, and you are to spare no labour or cost to effect it; you are to take proper care of all affairs relateing to the part this Province has agreed to bear in said Expedition in order to [p. 151.] accomplish the good end proposed as tho' particularly mentioned.

You are to communicate every matter of moment to his Excellency the Governour when it shall be in your power, and to correspond with the Committee appointed to purchase provisions and stores at Portsmouth, and to govern yourselves by such advices from time to time as you shall Receive from them.

Read and ordered that this Report be accepted, Sent up for concurrence.

Sent up by Mr. Knight.

Mr. Speaker adjourn'd till 3 o'clock

P. M.

The Muster Roll of Capt. James Neal for twenty two men on the Frontiers am^t to £135 : 14 : 5 presented Jany 15th 1756.

Voted That the above Muster Roll amounting to one hundred Thirty five pounds fourteen shillings & five pence, be allowed & paid out of the money that is or may be in the Treasury for the Defence of the Frontiers. Sent up by Mr. Seavey. [Concurred.]

[p. 152.] Thursday, April 29th, 1756.

Met according to adjournment.

Mr. Sec^y came down and inform'd that the Council tho't it would be best if not necessary, that there be a vote passed to desire his Excellency the Govr in case there should be any want of

men to make up the number granted for the Expedition to Crown Point, to impress the Number that may be wanting.

Whereas it is at present uncertain whether ye number of men granted for the Expedition to Crown Point this present year will Inlist by the time prefixed or not.

Voted That in case the full number of men granted for s^d Expedition do not Inlist by the 15th of May, that then his Excellency the Govr be desired to give orders for impressing so many as may be wanting to make up the full number granted. Sent up by Mr. Knight. [Concurred.]

Mr. Wentworth was sent to Council Board to Inquire after sundry votes relating the Expedition, to know If they were all consented to by his Excellency who returned & informed ye house, Mr. Sec^y says, That all the votes and acts Relating the Expedition to Crown Point were passed & consented to by his Excellency save two [or] three of little purpose, the substance of wch was contained in the other votes passed.

[p. 153.] Whereas there were many soldiers who Inlisted to proceed in the Expedition to Crown Point the last year that deserted s^d service after they had Rec^d their Bounty advance waiges &c.

Voted that his Excellency the Governor be desired to order that all such deserters be prosecuted and dealt with according to Law, and if any should desert the service in the intended Expedition that such Person or persons be immediately taken up & punished agreeable to the Law in such case made and provided.

Sent up by the Clerk, who was desired to inquire at Council Board what votes they were in particular that were not consented to by his Excellency: who returned & said Mr. Sec^y would come down and inform the house what votes they were, &c.

Mr. Sec^y came down and informed the house that the votes not consented to, were The vote for purchasing twenty Horses, the vote for Chaplain, chirurgeon and Commissary, and the vote for laying the Comissary under Bonds for the faithfull Discharge of his Trust; and these he said was all the votes that he knew of, but what had passed the Council & consented to by his Excellency, and the reason his Excell^y had not consented to these, he look'd on it, that the substance of them were contained in votes that were already passed, and that the Committee of Warr had full power & authority to do in all such affairs as they thought proper.

Mr. Secretary likewise informed the House that his Excellency the Govr had order'd him to prorogue the General Assembly to the 13th day of July next ensuing, and then to meet again at this place and accordingly in his Majesty's Name, prorogued the same.

N. B. The vote for the State House and prison has never pass'd his Excellency & is now struck dead.

[P. 154.] Tuesday, July 13th 1756, 11 o'clock, A. M.

A number of members being present not sufficient to make a House, Mr. Secretary adjourned till 3 o'clock

P. M.

Mr. Secy came down and said his Excellency order'd the house of Representatives to give their attendance at the Council Chamber.

The House immediately attended, and his Excellency the Govr read his speech.

The House being returned to their Room again a motion being made and seconded, that a Committee might be sent to his Excellency desiring a copy of the same.

Voted. Messrs Wentworth and Stevens be a Committee to wait on his Excellency for a copy of his Speech delivered this Day—who returned and said they had deliver'd the said message.

The Secy came down and deliver'd the Speaker his Excellys Speech D'D. this day, with Genl Winslows letter, Dated Albany June 20th 1756, & Colo Meserves letter June 20th 1756 from Albany, and General Winslow's Acct of all the provincial Troops at Albany and the Forts above, & said as soon as the House had made a proper use of them they must be returned again. The same was read immediately—copy of all which on file.

[The *Governor's Message* cannot now be found.]

General Winslow's letter to Gov. Wentworth.

Albany June 27th, 1756.

SIR—

My Last to your Excellency was the 20th June, since which I am favoured with yours, & if In my power Shall gladly favour the Gents as Recommended but doubt the Officers of the train are full, I would be pleased to have an opportunity to serve your Excellency in any thing in my Power.

I have Enclosed this Weeks Return of the State of the Army Many are yet lacking, but I am in hopes that the whole will be able to move the next week The Vessels from your Governmt are now in Sight & altho' some what Late is very pleasing, as everybody is sensible of the Value of your men & Doubt not but the Provisions will be forwarded in Season, & my assistance shall not be wanting—

Capt. Rogers (1) has Lately Return'd from Reconnitring the Fortress of Teconderoga & Informs that the Enemy are Retired under that Fortress & that he Judges them to be three thousand strong at that Post, & that they have burnt & Intirely Distroyed their Advance Guard about six miles on this side, hope things will succeed according to the desire of my Con-

(1) Robert Rogers (See p. 384) was a noted ranger in the "Seven Years War." He formed the first companies of Rangers, and was afterwards major, commanding the battalion. After the close of the war he went to England and published an account of his "Scouts" in the war. He was appointed Governor of Mackinaw. In the war of the Revolution, he took sides with England, visited this country, went about as a spy; at length raised a regiment and fought against his country. His property was confiscated, and he returned to England, where he died. [See *Potter's Mil. Hist. Adj. Gen. Rep. Vol. II, p.* 95. 1866.—ED.

stituents & my Country saved by this Expedition which I am sensible is not Only Costly but also Hazardous, Nothing Extraordinary has hapened us, but what is Common In such Numbers—

Am Your Excellencys Most Obb^{t}. Hbbe Servt.
JOHN WINSLOW.

To his Excellency Gov. Wentworth.
Copy A Clarkson Clerk.

Col. Meserve to Gov. Wentworth.

Albany, June 20th, 1756.

May it please your Excellency—

I now inform you of my Safe Arrival at this Place Friday Evening & Brot up the Rear of your Companys viz. Cap^{ts} Winslow, Worthen, Sheperd & Perry, this Day I Expect the other four my own Col^{o} Harts, Major Goffs & Smiths which I left Wednesday all in good health & high spirits except two of Worthen's men, who has the feavour & ague but hope they will be soon here as I know them to be good men—Left two or three Dollars over their share to help them along have not had half the trouble I expected tho' the Weather Extream hot, they marched well as we took the Advantage of ye mornings & evenings & lay still the midd e of the Day, but to my Surprise when got here Cannot hear anything of any of our Vessells, tho' Every Day allmost Vessells are Coming from New York. What can be the Reason, I know not we shall be sadly behind the Massachusetts Who have got all their provisions at the half moon & on the way above. The next morning after I arrived went up to the Half Moon to Wait on General Winslow Who is Encamped there with all his forces Except what is sent up. He Rec^{d} me very kindly & treated me in a handsome manner. It being Saturday we Din'd on Good fish & oyle & after Dinner Showed me the Ground he had order'd for my Regim^{t}, wch border'd on his own the thing pleas'd me much but was obliged to tell him we had no tents & beg'd leave to stop my men at the flats where there was houses—& Barns for them. he with a great Deal of good humour told me the men must have good Care taken of them & tells me there is now one thousand men wanting of the Massachusetts' Grant. There is at least six hundred that has not been Raised Govern^{r} Shirley is here yet which makes a Deal of talk at my arrival went to his Lodgings with your Excellencys Letters but could not see him, as our men are not got together Cannot Inform your Excellency how many Deserters there is But at their geting together it shall be the first thing I shall do & untill then twill not be in my power, Things looks a little Dul here which makes me fear it will Turn out a Last Summers Campaign, I am with Sincerity—

Your Excellencys Most
Dutifull H^{be} Servt.
NATH^{l} MESERVE.

(Copy) A Clarkson, Clerk.

[NOTE. The other Documents mentioned as accompanying the Governor's message cannot be found.—ED.]

Voted That Henry Sherburn, Thomas Bell, Joseph Smith, Clem^{t} March Esqr. and Andrew Clarkson be a Committee of this house to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excellency's speech to both [P. 155.] houses of this Day, prepare an answer thereto and Report what measures ought to be taken by this Governm^{t} in complyance with his Majesty's command signified therein.

Sent up July 14th by Mr. Jones. [Concurred.]
Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Wednesday, July 14th 1756.

Province of New Hampshire, Portsmo July 14th 1756.

We being appointed by Act of Governmt, dated April 1st 1756, a Committee for getting Thirty thousand pounds new Tenor Impressed for carrying on the Intended Expedition against Crown Point, Do

Report,

We have accordingly caused the same to be Impress'd and Deliverd to the Committee appointed by said Act for signing the same : It appearing [p. 156.] that the said sum of Thirty Thousand pounds would be insufficient for defraying the charges of said Expedition, by and with the advice of his Excellency & sundry of the Council & of the house, have caused three thousand three hundred & five sheets of the Large Plate, and nine hundred and sixty-four sheets of the Small Plate to be Impressed over and above the said Thirty thousand pounds, which are ready to be delivered with the Plates from which it was struck, to the order of the General Assembly

Joseph Newmarch,
in behalf of the Committee.

The above Report being read, Voted That the same be accepted, and that the blank sheets and Plates be put in the Province box, and lay till farther orders of the General Assembly.
Sent up by Mr. Steven. [Concurred.]

P. M.

The Honbl Joseph Newmarch Esq. Brought down the Report of a Committee of Both houses, as follows :

[p. 157.] Province of New Hampshire, July 14th 1756.

The Committee appointed by vote of Assembly of yesterday concurred by the Council this day to consider of the subject matter of his Excellency's Speech of yesterday, desiring the Council and Assembly to unite their Endeavrs to raise their province Quota of men for filling up his Majesty's Regiment now posted in North America, &c. And also acquainting them that it was his Majesty's Pleasure that the forces raised or to be raised should be obliged to act in conjunction with his Majesty's Troops in all operations that shall be under taken for annoyg the enemy or Recovering the King's just rights ;—

And also Recommending the Re-Enacting the Act for prohibiting any supply of provisions or warlike stores to the French, &c.

Have, agreeable to order considered the several matters mentioned in his Excellency's sd speech as above & are humbly of opinion that this Governmt ought to take all proper measures to Encourage the Raising their reasonable Quota of men towards the filling his Majesty's said Regiments posted in North America; and that as soon as his Excellency shall be acquainted with the number required or necessary in each Regiment & a reasonable Quota agreed upon by and for this Province ;—The Committee

are further of opinion it may be highly convenient and in many cases necessary that the Provincial Troops hereafter to be raised if any such should be tho't necessary should be enlisted to act in conjunction with his Majesty's Regular forces, but cannot think such a union can now be Imposed on the forces Inlisted for the Crown Point Expedition, considering the Express terms and conditions those forces were Engaged & In- [p. 158.] listed upon, and which if not fully comply'd with on the part of the Government or any wise altered (if that could fairly be done) would greatly obstruct any future Levys, and therefore recommend the Determination of this paragraph to lye for the present under consideration, till this Governm^t may be Informed what the other Governm^ts concerned in the said Expedition shall do therein.

We also are of opinion that an act should be immediately passed Prohibiting & Preventing any supply of Provisions or warlike stores going from this province to any of the French King's Plantations or settlements.

By order & in behalf of the Committee
Theodore Atkinson.

This Report being read,
Voted That it be accepted. Sent up by Mr. Wiggins.

Answer to his Excellencys Speech—

In the house of Representatives July 15th 1756.

[p. 159.] *May it please your Excellency,*

In complyance with your Excellency's Request in your speech to both houses deliverd from the Chair the 13th curr^t. a Committee of both Houses was Imediately appointed to consider of & Report what measures ought to be taken by this Governm^t in complyance with his Majestys Commands therein signifyed. The Report of that Committee accepted by both houses now lays before your Excellency, by which your Excellency will please to observe the Inclination & Determination of both houses to do every thing in the affairs Recommended that can reasonably be expected from them, and also what further Information is tho't necessary to carry those Resolutions into Execution.

[p. 160.] We beg Leave to thank your Excellency for the notice given us of the Royal Bounty granted to his Majesty's New England & other Governments, & to assure your Excellency that as our past Behaviour has been most acceptable to his most gracious Majesty, so we shall in future (by a Loyal and Dutifull Demeanour) endeavour to render ourselves worthy of all the favours that our most gracious sovereign, has or may bestow upon us.

Voted, That the above be sent to his Excellency in answer to his speech to both houses the 13th Instant. Sent up by Mr. Jones.

[p. 161.] A motion being made and seconded, That some proper measures might be taken, to keep up the value of the paper currency of this Governm^t and preventing the Exorbitant price that is now given for Dollars in this Province:

The House took the same under consideration and Voted, That Eleazer Russell Esq. and Andrew Clarkson be a Committee of this house to prepare a Bill agreeable to the above motion, and lay the same before the General Assembly as soon as may be.

Mr. Sec^y Bro't down sundry Petitions, viz. Ezra Carter's, two from Bedford signed by Matthew Pattin in behalf of s^d Town and the Proprietors, and the Selectmen of Pelham's petition for a

Tax on the land to defray charges—all which was read and ordered to lay till ye afternoon.

Mr. Speaker adjourned till 3 o'clock

P. M.

[P. 162.] A motion being made and seconded that a Comittee might wait on his Excellency and inform him 'twas the desire of this house that he would appoint a public Fast throughout this Province this day week, if 'twas agreeable to him, wch is the same day the fast is appointed in the Massachusetts.

Voted That Joseph Smith & Clem^t March, Esqs be a Comittee of this house to wait on his Excellency and inform 'twas their desire to have a Fast appointed agreeable to the above motion—who waited on his Excellency imediately and Returned to the house again, and informed they had D'D the above message, and said that his Excellency tho't the time too short, & y^t he should not appoint the fast on a Thursday.

Mr. Sec'y came down and inform'd the house that his Excell^y had prorogued the General Assembly till Tuesday the 12th day of October next, ten o'clock before noon, and in his Majestys Name prorogued the same.

NOTE BY THE EDITOR.

[Before the time arrived to which the Assembly was prorogued, a Special Convention of the Council and Assembly was called.]

SPECIAL CONVENTION.

[p. 163.] Province of New Hamp^r } At a Special Convention of the members of the General Assembly on the second & third days of Septr 1756, pursuant to his Excellency's orders.

Seventeen members being present: Mr. Secretary Bro't down his Excellencys Mess^a to the Council and Assembly of this date, and the Earl of Loudoun's Letter dated at Albany the 20th of August 1756, which were read & are as follows:

Gentlemen of the Council
& of the Assembly—

I should not have required your attendance in General Assembly at this busy season, had not his Majesty's service, and the safety of ye Colonys made it necessary.

I shall with this Mess^a Direct ye Sec^y to lay the Earl of Loudoun's Letter before both houses, wherein you will observe that Oswego Fort, the Naval force attending the service there, with all manner of stores, are fallen into ye hands of the French, a most unfortunate Event to his Majestys service at this critical conjucture.(1)

The success the French have had in this Enterprise may be attended yet with more fatal consequences to ye Colonys, and of a higher nature, if their progress cannot be restrained by the King's forces, the Provincial Troops and the Reinforcement which is called for from the several Governm^ts.

Lord Loudoun in his Letter seems apprehensive that our Army at the Lake is greatly Exposed to the power of the French in their way to Crown Point, if not properly sustain'd, and therefore in consequence of [p. 164.] the Comand his Majesty has cloathed him with, and the Kings absolute Comand to all his Governors, to give him all possible assistance upon every Emergency, as Captain General of his Forces, raised and to be rais'd in North America, he demands as considerable a number of men armed, from me, as I can send, which I cannot doubt but you will without the lest hesitation enable me to comply with, it being of the last importance to his Majesty's service and the prosperity of the Colonys in General, that the growing power of the French should be bound'd as far as providence has put it in our power to effect it.

Arguments or perswasions to lead you into so interesting a branch of duty and service, I look upon to be needless, because the hour seems to be approaching when the Inhabitants of this Continent must universally unite in puting a stop to the progress of the French King's army, in failure of which, we shall soon become Provinces and Subjects of the French King, Subjected to a Governm^t whose civil Polity is Tyrany, and to a religion, teaching superstition and the worship of wood & stone, instead of that pure and uncorrupted adoration due only to the Supreme Being.

B. WENTWORTH.

Council Chamber in Portsmouth,
September the 2^d, 1756.
Copy from the original.

Att. Andrew Clarkson, Clerk.

(1) See a notice of this Fort and its capture, in Potter's Mil. Hist. Adj. Gen. Rep. 1866, Vol. II. p. 228.—ED.

Letter from the Earl of Loudoun to Govr Wentworth.

Albany 20th Aug^t, 1756.

SIR—As by accounts I Rec^d last night, his Majesty's Fort and Garrison at Oswego, together with the naval Armam^t and Stores have by a series of bad circumstances fallen into the hands of the French; and as from the condition and number of ye Troops left me when I came to my com- [P. 165.] mand, I can Scarcely hope for more than to resist the French power in y^t Quarter, I must earnestly recommend to you to consider without delay, how far the provincials now in arms, are exposed to the weight of the French, in the part towards Crown Point, and the dangerous events of any accident happening to them in consequence of these circumstances, and what Forces you can lend immediately to reinforce them, as it seems absolutely necessary to do for the security & safety of the country.

Therefore In consequence of the power given to me by his Majesty's Commission under the Great Seal, and of his orders signified to you by his Secretary of State, I do Demand of you an aid of as considerable a body of men with arms as you can send, to be raised in companies and sent off as fast as raised, and also a number of Carriages, or Ox teams wherewith I may be able to transport provisions, as this Province alone is not able to supply all.

I am with great truth & Regard
Sir, your most obedient & hum^ble servant.

LOUDOUN.

Copy from the original,
Att. Andrew Clarkson, Clerk.

Mr. Speaker adjourned till 3 o'clock

P. M.

On a motion being made and seconded to know by what authority the high Sheriff had summoned the members of ye Genl Assembly to attend this Day—

The door keeper was sent to the high Sheriff to give his attendance before the conven'd members, to know of him by what authority he had convened them, who sent into the house by Clem^t [P. 166.] March, Esq. his Excellency's warrant to him:—viz.

Province of New Hampr. } To Thomas Packer, Esq. Sheriff of the Province aforesaid:

You are hereby directed to notifie ye members of the Assembly to meet at Portsm^o on Thursday the second of September next, at Ten of the clock in ye forenoon on Special Occasions for his Majesty's service, and their attendance is accordingly expected.

Given at Portsmouth, Augt 30th, 1756.

B. WENTWORTH.

Copy from the Original.
Att. Andrew Clarkson, Clerk.

Province of New Hampr. } At a Special Convention of the members of the General Assembly, on the second day of Sept. 1756, pursuant to his Excellency's order,

Voted, That Henry Sherburne jun^r Thomas Millet and Clement

March, Esq. be a Committee to joyn with such as may be appointed by the Honble Council immediately to take under consideration the subject matter of his Excellency's Mess^a to the Council and Assembly of this day, with the Earl of Loudoun's Letter, dated Albany, Augt 20th 1756, and make report as soon as may be, what steps this Governm^t ought to take in consequence thereof.

Sent up by Capt. Moulton.

[P. 167.] Joseph Newmarch Esq. came down and informed the members, that the Council had joyned a Committee agreeable to the preceding Vote, and they were ready to attend it at the Council Chamber.

The Committee Imediately attended.

Mr. Speaker adjourned till 9 o'clock tomorow morning.

Fryday, September ye 3^d, 1756.

Met according to adjournm^t.

The Honble John Downing Esq. Bro't down the Committees Report (of both Houses) which was read and is as follows:

The Committee appointed to take under consideration the subject matter of his Excellencys message of this Day to the Council & Assembly, with ye Earl of Loudoun's Letter, & Report as follows:

That notwithstanding this Governm^t has by far more than their proportion of men in the service, yet considering of what importance it may be at this conjuncture to have the army Reinforced with all possible Dispatch, are humbly of opinion that his Excellency the Capt. General be desired to give out his orders for the immediate Inlisting or Impressing one hundred good effective men, officers included, on the same Encouragem^t of Bounty & wages as those already in the service from this Governm^t to be agregated to Col^o Meserve's Regim^t, and continue in the service as [P. 168.] long as s^d Regim^t is to continue therein and no longer, That the Committee for Providing Provision, Stores &c, for the Crown Point Expedition be and hereby are Impowered to make Immediate provision for fitting out marching or transporting s^d men to Albany as his Excellency may order, and that they be supplyed with suitable money out of the Treasury to answer the ends afords^d.

Which is humbly submitted,

Sampson Sheaffe
by order of the Committee.

Portsm^o, Sept. ye 2^d 1756.

[Report accepted by both Houses.]

P. M.

Mr. Sec^y came down and informed that his Excell^y had consented to the Report of both houses and that he had nothing more at present to lay before the Assembly at this Convention.

[P. 169.] N. B. Sent the Secretary his Excellencies messages to the house of the 2^d, 5th & 7th of April (about y^e £30.000 Act.) which he's to Return me again.

The papers returned Dec^t 23^d, 1756.

MEMORANDUM of the Names of the members that attended at the Convention, Sept. 2d & 3d 1756.

Septemr ye 2d, Henry Sherburne, jun Esq. Speaker.

Eleazer Russell, Esq.
Andrew Clarkson.
Thomas Millet, Esq.
Capt. Jona Moulton
Mr. Wm. Moulton
Mr. Josiah Bachelder
Thomas Bell, Esq.
Mr. Amos Seavey
Mr. Thoms Wiggins
Mr. John Knight jun.
Mr. Robt Clerk
Clemt March, Esq.
Mr. Stephen Jones
Joseph Smith, Esq.
Capt. Thomas Hale
Mr. Saml French.

Sept. 3d All the above members attended ys 3d day; and Mr. Zebulon Giddings & Mr. Benja Stevens, wch was all.

Names of members of the Honorable Council, who attended the Convention.

His Excellency the Governour,

Theodore Atkinson	Sampson Sheaffe
Saml Smith	Daniel Warner
Jno Downing	Joseph Newmarch.

[P. 170.] Tuesday, Octob^{r} 12th 1756.

The house met at 3 o'clock P. M. according to Prorogation.

Mr. Sec^{y} came down and Inform'd the Speaker that his Excellency desired the attendance of the members of the Genl Assembly at the Council Chamber.

The house immediately attended, and his Excell^{y} read the following speech.

The Speaker and members Imediately returned to their Room;

Mr. Knight and Mr. Clerk, by order, waited on his Excellency to inform him the house desired a copy of the speech.

The Sec^{y} Bro't into the house his Excellency's speech delivered this day from the chair, with the Earl of Loudoun's Letter of ye 30th Sept. 1756, and Leutenant Parker's Letter, dated Charlestown October 3^{d} 1756, all which was read and a copy of the same is on file.

Governor's Speech.

[Copied from MS. Gov^{rs} Messages, Vol. II. p. 407.]

Gentlemen of the Council & of the Assembly—

I should have Prorogued the General Assembly to a further day at this Busy season, had not the aid the Right Honble John, Earl of Loudoun demanded in consequence of his Majesty's Commands for sustaining the Provincial forces at Lake George, required your attendance, and it is my intention that all other business shall give way to that, so I am hopeing you will Deliberate on measures that may have the surest tendency to effect it.

By Lieutenant Parker's Letter from Charlestown which I lay before you, dated Octo^{r} 3^{d} you will be informed that the night preceding one Enos Bishop,(1) a captive at Canada arrived there, the intelligence he gives among other things of the motion of the enemy corresponding with the Information General Winslow gives Lord Loudoun as you will observe by his Letter to me of the 30th of Septr which shall also be laid before you, leaves me no room to doubt of it.

What devastations so Powerfull an army will carry before it in that part of his Majesty's Dominions where it may first be permitted to commence its ravages is a most serious consideration; but how to make a stand against this Growing power of France on the Continent of North America, demands our wisest councills and our most vigorous efforts.

Gentlemen of the Assembly

By Lord Loudoun's Letter of the 30th Sept. you will find his Demands on me for aid repeated, and from the apparent danger of the enemy's Success by the repeated Intelligences you will have laid before you, there is the last necessity for the several Colonys to exert themselves with Double vigor to prevent a General Invasion and divert the threatening danger; for these reasons I must hope you will think the 100 men granted to Reinforce Coll^{o} Meserve's Regiment too slender, especially as that was made before it was known that this great armament was set out from Canada.

From a defect in the Melitia Laws for extending fines on Impressed men for his Majesty's Service the Colonels of the respective Regiments have met with the utmost difficulty in comply^{g} with my orders to prevent

(1) See Bouton's Hist. of Concord, p. 204. Also Journal of the House, in this Vol. pp. 329-333.—Ed.

these Inconveniencys and delays. In the service for the future, I must recommend to you the passing an Additional Act for raising the fines so high as will effectually answer the End,—the want of this Law has proved so injurious to his Majesty's service in the grant made at the Convention, that I have not had full Returns from all the Regiments to this day, and as the speedy Levying forces in defence of a Country is so essential to its wellfare and being, I think I need urge this matter no further.

Gentlemen of the Council
and of the Assembly

The greater dispatch you give to the Business I recommend, the more acceptable it will be to me, having at this time public concerns of another nature to transact, I hope you will therefore unite in measures that may be for his Majesty's service, the safety, honour and welfare of the Colonys, in which you shall be sure of my hearty concurrence.

B. WENTWORTH.

Council Chamber in
Portsmouth, Octob^r 12th 1756.
Copy from the original.
Att. Andrew Clarkson, Clerk.

Earl of Loudoun's Letter to Gov. B. Wentworth.

[Copied from MS. Corr. Vol. III, p. 55.]

Albany, Septem^r 30th, 1756.

SIR—

As I have received no Answer from you About the Aid I demanded; & as by the Information I receive from Mr. Winslow, the Enemy are moving towards us, with not only all their Regular Forces, but all the men they can Collect, in Canada, Capable of bearing Arms, I must Repeat my Demand, & Acquaint you that the utmost dispatch & Expedition is Necessary, in whatever you intend to do—

I am with great Truth and Regard,
Sir
Your most Obed^t h^ble Servt.

LOUDOUN.

His Exce llency Benning Wentworth.
Copy from the original.
Att. Andrew Clarkson, Clerk.

[NOTE.—Lieutenant Parker's letter has not been found.—ED.]

His Excellency's orders to the Agent &c. at Albany to Deliver ye provisions &c to Lord Loudoun. Oct. 6, 1756.

[Copied from MS. Corr. Vol. III. p. 57.]

Province of New Hamp^r } To the Agent for Transporting Provisions & other Stores to Fort Edward & Fort William Henry for subsisting Col^l Messerve's regiment the Regimental Commissary & all others whom it may concern.

You are hereby Directed & required to Cause to be Deliver'd to the Order of the right Honble John Earl of Loudoun what Provisions & Stores remain in your Custody, rum Excepted either at Albany Fort Edward Fort William Henry or in the way thither that were put under your care by the Committee for Purchasing Stores & Provisions for the Crown Point Expedition, for which his Lordship will cause receipts to be Passed in order to pay the just Value thereof.

Given under my hand at Portsm^o, the sixth day of October 1756.

B. WENTWORTH.

Copy Theodore Atkinson Sec^y.

Voted, That Henry Sherburne jun. Eleazer Russell, Clem^{t} March, Thomas Bell and Joseph Smith, Esqs. be a Committee of this house to joyn with such as may be appointed by the Honble Council imediately to take under consideration ye subject matter of his Excellency's Speech to both houses of this day, with the Honble the Earl of Loudouns Letter, dated ye 30th Sep^{t}. at Albany, & Lieut Isaac Parker's Letter dated Charlestown, Octob^{r} 3^{d}. 1756, and make Report as soon as may be, What may be proper for this governm^{t} to do in consequence thereof.

Sent up by Messrs Wiggins and Richardson.

[p. 171.] Joseph Newmarch Esq. came down and informd that the Council had joyn'd a Committee agreeable to the foregoing vote, and they would attend it in the morning.

Voted, That Eleazer Russell and Joseph Smith Esqs. and Mr. Thomas Wiggin be a Committee of this house to prepare an act in addition to the Militia Act.

Mr. Speaker adjourned till tomorrow morning 9 o'clock.

Wednesday Octob^{r} 13th, 1756. (a)

(a) Jour. Coun. Oct. 13, 1756.

Paul Gerrish and others petition to have a bridge over Bellamy Bank River.

Widow Nuds petition to Dock an entail

Nathan Greens Petition to Dissolve his marriage contract.

Paul Randal's petition about Gove's breach of Goal.

Nathan Chase & wife's petition for liberty to sell a piece of land in Salem.

Ezekiel Brown's petition to have the title of a piece of land confirmed.

Inhabitants of Salem petition for an abatement of their Province taxes.

[p. 174.] Thursday, Oct 14th 1756, P. M.

Province of New Hamp^{r} } The Committee of both houses appointed to take under consideration the subject matter of his Excellencys speech of the 12th Inst. with the papers there referr'd to Report as follows, viz.

That considering the Difficult circumstances of his Majesty's subjects of this Province by reason of their having exerted themselves already so much beyond their abilitys in the present Expedition, the very extensive Frontiers they have to defend and the constant expectation of being attacked by the enemy in different quarters, they are humbly of ye opinion that it is not in the power of the Governm^{t} to send any more men at present, & therefore that the following answer be sent to his Excellency's Speech.

May it please your Excellency.

Having taken under consideration your Excellency's speech to the Council and Assembly of ye 12th Inst. and duly weighed the matter therein mentioned, the circumstances of the Province, and how far we have exerted ourselves already to promote ye Expedition on foot, even vastly [p. 175.] beyond our proportion & abilities, also the improbability of

Raising men at so great a distance and marching them to joyn the army at this season so as to answer any good end, are humbly of the opinion that it will not be for his Majestys service to make any further grant of men at this time; and when there may be any further grant of men for his Majesty's service wee think it will be necessary an act be passed in addition to ye Militia Act to raise the fines therein laid on Impressed men that do not attend on the service, which we shall be ready to pass when there may be occasion therefor, and wee assure your Excellency we shall at all times be ready to come into any measure that may appear to be for his Majestys service, the honour and wellfare of the Colonies.

The within Report being read,

Voted, That it be accepted & sent up by Col° Smith. [Concurred.]

On a representation being made to the house that the Inhabitants in General on our Frontiers were very destitute of amunition,

Voted That Capt. John Chamberlain immediately waite on his Excellency to inform him of the Information the house has of the situation of the Frontiers in general.

Mr. Speaker adjournd till 9 o'clock tomorrow morning.

Fryday, Octo^r 15th 1756

[P. 176.] Voted, That a message go to his Excellency signifying that if his Excellency thinks that the sending the hundred men granted at the late Convention to be agregated to Coll° Meserve's Regiment will not be of any service, it will not be disagreeable to this house if they are not sent. Sent up by Capt. Richardson.

Mr. Sec^y came down & informed that he was directed by his Excellency to acquaint the Assembly that he had prorogued them to the fourth Tuesday in Novr next, being the 23^d Day, at ten o'clock in ye forenoon, and then to meet at this place again, & accordingly in his Majesty's name prorogued the same.

Tuesday, Novr 23^d, 1756.

The General Assembly was prorogued till Tuesday the 30th Inst. by Proclamation.

Tuesday November 30th 1756.

The Assembly was further prorogued by Proclamation till Tuesday the 14th of December.

[P. 177.] Tuesday December 14th 1756.

Met according to Prorogation
Mr. Secy adjourned the house till 3 o'clock

P. M.

[Again adjourned, till]

Wednesday Dec. 15th, 1756.

Met according to adjournment. Mr. Secy came down and informed the House that his Excelly desired the attendance of the members at Council Board.

The House immediately attended, and his Excellency read his speech, a copy of which is on file, and the members being returned to their room, Thomas Bell, Esq. was sent to Council Board to desire a copy of his Excellencys speech.

Mr. Secy came down & delivered his Excellency's speech to the Speaker, and said it must be returned again, it being the original, which was read. Mr. Speaker adjourned till 3 o'clock, P. M.

The Governor's Speech.

[Copied from MS. Govrs Messages, Vol. II. p. 409.]

Gentlemen of the Council
and of the Assembly

Besides the Great Expence Incurd to the Government, many and great inconveniencys attend long sessions of the General Assembly; for remedying whereof, I have thought it for his Majesty's service further to prorogue you until this day, that every concern of a public nature might be laid before you for your consideration and despatch, hoping thereby to shorten the present session and consequently lessen the expence, which I persuade myself you will heartily unite with me in.

A Copy of the Kings warrant on the Treasury for Issuing £115,000 sterling granted by Parliament to the respective Colonys therein refer'd to, with all other papers relative to the proportion assigned to this Province out of said grant, the Secretary will lay before you that you may conform yourselves thereunto; I shall also direct the Secretary to lay before you Messrs Thomlinson & Handbury's letters to me by Capt. Cornish of the Sterling Castle, of the 5th of April, by which you will observe that notwithstanding there remains in their hands a ballance of £9:3:9, it is their request that I give a receipt for the whole sum being £8000 sterling, and that they will account to the Province for the said ballance hereafter.

You will please to observe that the several matters that are laid before you are intended for office Papers, and therefore are to be returned into the Secretary's office when you have made the use of them that is necessary.

Gentlemen of the Assembly—

It is his Majestys express Commands to me that I take especial care that all Emissions of paper money are faithfully called in agreeable to the respective periods contained in the Acts for issuing the same, & it is with concern that I must again renew my Instances to you on the £15,000 Loan,

which is of long standing, and cannot (if I am rightly informd) be finished without the aid of the General Assembly; I hope you will take the same under consideration and pass such an Act as will effectually answer the calling in and sinking what is outstanding.

I shall direct the Treasurer to prepare his account in order to a final adjustment hoping you will not fail of settling them in such a manner as may enable him to furnish me with proper copys to transmit in conformity to his Majesty's commands signified to me.

I shall also direct Collonel Meserve to prepare his Roll, in order to the officers and men being paid, and I hope you will make the necessary preparations therefor, that no unnecessary attendance and expense may arise either to officers or private men, which by Experience has been injurious to his Majesty's service and any delay at this critical hour may prove fatal. I must therefore hope that on your part you will give no cause of complaint but avoid it at all events.

When the Treasurer lays his accounts before you for your inspection, you will observe that no charge has been made for that part of my salary payable in Proclamation money, at six shillings & eight pence pr oz. or in paper money equal to it, the constant depreciation of your paper money shows that no equivalent can be fixed, which is the reason I have not drawn my salary out in course, and as the far greater part of my Family Expences, demands either silver or gold, I must desire that proper Provision may be made in the Treasury not only for the payment of the two last years salary, but for what may become due in future, that I may not suffer the like inconveniencys.

It is more than probable that the Earl of Loudoun will pay a visit to this Government, and as the Government has put it out of my Power to entertain a gentleman of his rank, it will be proper that suitable Provision be made for that occasion.

Gentlemen of the Council
and of the Assembly

The situation of our public affairs afford but a melancholy prospect; to what cause it is to be ascribed is not at this time to be considered, but the way how to extricate ourselves out of the growing evil, well deserves a Parliamentary consideration. It being now evident that paper money will no longer be of use to the Public, nor serve as a medium in mercantile concerns, unless it be to distress and Involve the subjects in greater difficultys than they at present endure, which it will be a hard matter to point out.

I shall be glad of an opportunity to consent to any measures that may have a tendency to promote the prosperity of the Province, and that may Relieve his Majestys subjects from the Distresses which threaten them, and if not Remedyed in due time greater evils must arise than can be conceived.

B. Wentworth.

Council chamber in
Portsmouth, December 15th 1756.
Copy from the original,
Att. Andrew Clarkson.

Copy of the King's Warrant on ye Treasury for £115.000.

Friday March 1756.

[Copied from MS. Corr. Vol. III, p. 15.]

George R.

Wheareas the house of Commons have granted unto us the Sum of one hundred & fifteen thousand Pounds upon account to be distributed to the

Colonies of New England New York & New Jersey in such proportion as We should think fit as a free Gift & Reward for their past services & an encouragemt to them to continue to exert themselves with Vigour in defence of our just Rights & Possessions. And Whereas We have thought fit to allot the said Sum of one hundred & fifteen thousand Pounds to the said Colonies in the proportions following that is to Say—

To Massachusetts Bay	£54,000
New Hampshire	8,000
Connecticutt	26,000
Rhode Island	7,000
New York	15,000
New Jersey	5,000
	£115,000

And are pleased to direct that the Several Sums allotted to the Colonies of the Massachusetts Bay New Hampshire New York & New Jersey shall be delivered into the hand of the Governor of each of these Provinces in the presence of the Council & to be by him forthwith paid into the hands of the Treasurer of the Province taking a proper discharge for the Same & sufficient Security for the Safe custody of such Sum untill it shall be disposed of for the public Service by an act of the Legislature & that the Sums destined for the Charter Governments of Connecticut & Rhode Island shall be consign'd to the Governor & Company of Each Colony who are to give a joint Receipt for the same under the public Seal of the Colony. *Our Will and Pleasure* Therefore is that out of any of the Aids & Supplys granted unto us for the Service of the year 1756 you issue Pay or cause to be issued & paid unto John Thomlinson & John Handbury Merchants or to their Assigns the said Sum of one hundred & fifteen thousand Pounds by way of Impost & upon account to be by them paid over distributed & applied to the Several Colonies aforementioned in the aforegoing proportion & agreeable to the directions & Restrictions here in before mentioned in that behalf And for so doing this shall be your Warrant Given at our Court of St. James this 3d Day of March 1756 in the 29th year of our Reign

By His Majesty's Command
HOLLES,—Newcastle
G. LYTTLETON
H. FURNESE

To the Commissioners
of our Treasury

Messrs Thomlinson & Handbury £115,000 for the Northern Colonys.
Copy from a Copy attS Andrew Clarkson, Clerk to the Assembly.

Handbury & Tomlinson to Gov. Wentworth.

[Copied from MS. Corr. Vol. III. p. 49.]

London 5th April 1756.

The Lords of his Majesty's Treasury order'd to be issued to us the 12th March past as Agents to the Government the Sum of £115,000 granted by Parliament to be Distributed to the Colonys in such proportion's as His Majesty should think fit, as a free gift & Reward for their past Services & an Encouragement to them to continue to exert themselves with Vigour in Defence of His Majestys just Rights & Possessions with orders to remit to each Colony its share in Specie—

We have on our parts used our utmost indeavour to procure Spanish Mill'd Dollars on the most reasonable terms in which We have Succeeded beyond our expectations & have also procured all the Portugal Gold of full weights (there being no Pistolls to be had) a very large number of

Pieces having been weighed to pick them out of which was a work of many days for several hands, that we think they very well deserved the allowance made them for doing it.

We are under some difficulty to get rid of the remaining light ones.

The charges have been lessen'd every possible way—the article of Insurance in particular gave us great trouble before We cou'd reduce it from the price of three guineas & an half pr Cent which was Strongly insisted upon by the Public Officers & out of the Sincere regard we bear to the Colonys we have made no Charge of Comission on this Transaction ourselves & have also recommended it to our Agent to act in the same manner.

Inclosed we send your Excellency the Acc^{t}. of the Cost of the money ship'd for your Province amounting with the charges thereon to £7990 : 16 : 3 the ballance of £9 : 3 : 9 reserved out of the Grant must be subject to a future Settlement when we have pass'd the account at the Exchequer where the money now stands impressed to us—the fees of doing it We Cou'd not possibly be inform'd of otherwise We had now exactly ballanced it but we pray you will execute the Receipts for the full sum in the form now Sent to our Agents Messieur's Charles Apthorp & Son.

We sincerely wish your Excellency success in all Your Undertakings & are with the greatest esteem

Your Excellency's Most Obedient &
Humble Servants
J. Handbury

Barlow Trecotheck for John Thomlinson
To His Excellency Governor Wentworth
Copy from the Original att^{s} Andrew Clarkson Clerk
to the Assembly—

P. M.

The House met according to adjournment.

His Excellencys Speech being read,

Voted That Col^{o} Peter Gilman Esq. Capt. Thomas W^{k} Waldron and Andrew Clarkson be a Committee of this house to joyn with such as may be appointed by the Honble the Council to Receive & Examine all Muster Rolls for the year 1756, and lay the same before the General Assembly as soon as may be. Sent up by Mr. Jones.

Thursday Decr 16th 1756.

[p. 179.] Mr. Sec^{y} Bro't down the sundry papers, referr'd to in his Excellenc^{ys} Speech to both Houses of yesterday's Date, and said as soon as the house had made the proper use of them they must be returned, as they are office papers,—a copy of which is on file.

Fryday, Decr 16, [17] 1756.

[p. 180.] Voted That Henry Sherburne jun. Esq. Capt. Thom^{s} W^{k} Waldron and Andrew Clarkson be a Committee of this House

to joyn with such as may be appointed by the Honble Council to prepare an answer to his Excellency's Speech to both houses of the 15th inst. and lay the same before the General Assembly as soon as may be. Sent up by Mr. French.

[p. 181.] Whereas his Excellency in his Speech to both Houses of yesterday was pleased to say "It is more than probable that the Earl of Loudoun will pay a visit to this Government," Therefore

Voted, That Henry Sherburne, jun. and Clement March, Esq. be a Committee of this house to joyn with such as may be appointed by the Honble Council to congratulate his Lordship on his arrival in this Province, and make preparation for his reception, and entertainm^{t} agreeable to his rank, as they shall think proper when they shall be assured that his Lordship will honour this Governm^{t} with a visit, and that they be supply'd with money out of the Treasury sufficient to carry the same into Execution, & render acc^{t} thereof to the General Assembly.

Dated the 16th day & sent up the 17th day by Mr. Clerk.

Mr. Speaker adjourned till 3 o'clock

P. M.

The petition of Enos Bishop praying an allowance for his being captivated & carried to Canada, when in defence of his neighbors, at Bakers Town, being read and the petitioner fully heard thereon,

Voted, That the petitioner be allowed Fifty pounds to be paid out of money in the Treasury for the Crown Point Expedition. sent up by the Clerk. [Concurred.]

Mem^{o}. The Governor's speech and all the papers Relative thereto was Delivered to the Sec^{y} this day.

Mr. Clark was sent to Council Board to inquire after the votes sent up last week.

Mr. Sec^{y} & Joseph Newmarch Esq. came down & informed the house that all the votes sent up were concurred except y^{t} vote for joyning a Committee to answer his Excellency's speech, from which they desired to be excused.

[p. 184.] Mr. Speaker adjourned till 3 o'clock.

P. M.

Voted That Capt. Thom^{s} W^{k} Waldron and Andrew Clarkson be a Committee of this House to prepare an answer to his Excellency's speech of the 15th inst. and lay the same before the Genl Assembly as soon as possible, (the Council having desired to be excused in joyning a Committee.)

Thomas Packer, Esq. high Sheriff of this Province came this day into this house and made information that his Majesty's Goal is in a bad situation & wants sundry Repairs to make it comfortable &c. Wherefore Voted That Thom^{s} Wiggins and Mr. Stephen

Jones be a Committee of this House, to joyn with such as may be appointed by the Honble Council to inquire into the State of the Prison, and to make such Repairs as is necessary & sufficient to answer the end till a new one is built. Sent up by Mr. Hale. [Concurred.]

[P. 185.] Thursday Decr 23^{d}, 1756.

Whereas the Vote of the Council & Assembly of the 8th of Jany 1756 for Building a new Goal was not assented to by his Excellency the Governor, and by the late prorogation is rendered ineffectual,

Therefore Voted, That there be a new Goal built in the town of Portsm^{o} in the province of New Hamp^{r}, as soon as conveniently may be of such materials & Dimensions as shall hereafter be agreed upon by the Genl Assembly, and that Eleazer Russell Esq. be a Committee of this house to joyn with such as may be appointed by the Honble Council to look out a suitable piece of ground to Build a Goal upon, and make Inquiry What the same may be purchased for and make Report thereof to the Genl Assembly as soon as may be. Sent up by Mr. Moulton. [Concurred.]

Whereas the vote of the Council and Assembly of the 8th of Jany 1756, for building a State House, was not assented to by his Excellency the Govr, and by the prorogation is rendered ineffectual; and

Whereas by the act for the emitting the sum of Twenty five thousand pounds upon loan, there is provision made by part of the Interest thereof viz. the sum of two thousand pounds for building a State House in the Town of Portsm^{o}, which house is not yet built for the conveniency of the sitting of ye Genl Assembly and the holding the several Courts in this Province; and Whereas it is judged that the Parade, so called, by the North Meeting house in Portsm^{o} afores^{d} is the most suitable and proper place to set the said house upon,

Therefore Voted, That it be set at said place or adjoining thereto as the situation of the place will best admit of, and that it be [P. 186.] built of wood, agreeable to a plan returned by a Committee March 17th 1753, and that Henry Sherburne jun. and Clement March Esq. be a Comittee of this house to joyn with such as shall be appointed by the Honble Council to let out the building of said house, to such person or persons as will build the same in the best manner and at the cheapest rate not exceeding the said sum of two thousand pounds; and that if it be let out to draw out of the Treasury the said sum of two thousand pounds for the use and business aforesaid, or so much as shall be necessary, and that they render an acct of their proceedings relating to the said affair unto the Genl Assembly from time to time as the circumstances of the case shall be. Sent up by Mr. Seavey Decr 24th.

Fryday, Decr 24th, 1756.

Voted, That Colo Peter Gilman, Eleazer Russell Esq. and Capt. Thoms Wk Waldron be a Comittee of this house to inquire into the State of the £15000 Loan, and to see what aid from ye Genl Assembly is necessary in order to oblige the Borrowers thereof who are deficient, to pay the same in Immediately, and prepare an act for that purpose and lay the same before the Genl Assembly as soon as may be.

Voted, That Clemt March, Esq. Capt. Thoms Wk Waldron and Andrew Clarkson be a Comittee of this House to joyn with such as may be appointed by the Honble Council to take under con- [p. 187.] sideration the subject matter of the last paragraph of his Excellency's speech to both houses of ye 15th Inst. relating the paper Curry of this Province, to Report as soon as may, What may be best to be done in order to remedy the evils therein mentioned. Sent up by Capt. Richardson.

Joseph Newmarch Esq. came down and said that the Council desired to have the Govrs Speech, which was sent up by Capt. Richardson.

[p. 189.] Whereas Obediah Smith has represented to this house this day, that he has a brother viz. John Waldron Smith who went in the late Expedition to Crown Point, & now lays sick at the Flats, and that he has been once there in order to fetch him home, but that he was not able to undertake such a journey; that his brother has now sent for him again; that he is willing to go and give in his own time but that he's not able to bare their Expences, therefore

Voted That the Committee of war supply the said Obediah Smith with Twelve dollars for defraying the charges of bringing his brother home.

Sent up by Mr. Gidding, Decr 29th. (a.)

(a) Jour. Coun. Dec. 27. 1756. His Excely assents to the following votes, viz.

A vote for Comtee to examine All Muster rolls for 1756.

Do. for Comtee to receive all paper money to be burnt.

Do. for Comtee to repair the prison.

Do. for Comtee to allow James Dwyer £5. for going express with Proclamation to prorogue the General Assembly

Do. Hunking Wentworths acct, £5.00 for a Book for record in Inferiour Court of Common Pleas.

Do. to recompence Moses Bointon for a Prisoner—that escaped (one Keniston) through insufficiency of the Goal.

[p. 190.] Jona Elkins came into ye house & Represented that he was a soldier in the Crown Point Expedition, in the year 1755, that he was discharged in the Muster Roll ye 21th of Octobr which was 21 days short, he being left to take care of the sick at Albany, wch place he did not leave till ye 28th of said month, & prayed further allowance.

The House took the matter under consideration & it appearing to be a true Representation

Voted That there be allowed to the said Jon^{a} Elkins two pounds sixteen shillings & three pence new Tenor in full for said twenty one Days, to be paid out of money in the Treasury for the Crown Point Expedition. Sent up by Mr. Seavey.

Thursday Decr. 30th 1756.

[p. 192.] Voted That the following Answer be sent to his Excellency's speech of the 15th Inst.

May it please your Excellency

Your Excellency's Speech to both Houses at the opening of the present session is prefaced with so interesting a concern for the weal of the Province that we thank your Excellency therefor & are determined nothing shall be wanting on our part to shorten the session.

The apportion of the Parliam^{t} Donation (to ye several Colonys concerned in the fruitless 1755 Expedition against Crown Point) assigned us by his Majesty is an addition to his many paternal notices of New Hamp^{r}; the Papers your Excell^{y} ordered before us Relative thereto are returned to the Sec^{y}, and altho' we apprehend the money is at New York, yet those papers give no acct thereof tho' they do how the money shall come into ye several Treasurys when in America, which is a most condescending evidence of our Sovereign's peculiar care of his Northern Colonies.

In obedience to your Excellencys Instance on ye fifteen thousand pounds Loan we have appointed a Comittee to prepare a Bill for the speedy finishing that old Fund.

An adjustment of ye Treasury's Acct which we hope will soon be before us for that purpose will give us great pleasure.

What your Excellency intimates Relative to the Rolls of Col^{o} Meserve's Regim^{t} we determined to pay an exact obedience to.

An Honorable support of the Kings Gov^{t} according to the ability of the govern'd we beg your Excellency to believe we think an essential of a happy Constitution & are taking proper measures to give that part of your Excellency's speech its full weight.

A Committee of both houses are Impowered to provide suitable entertainm^{t} for Lord Loudoun if he honours the Province this winter with his presence.

The melancholy situation of our public affairs at this gloomy season, we hope a union of the Branches of the Legislature (difficult as they at present appear) may extricate us from, and as a good omen thereof we thankfully resent what y^{r} Excellency has said in the last paragraph of ye Speech, and have appointed a Comittee to take the subject matter thereof into consideration.

Fryday Decr 31, 1756.

[p. 193.] Voted That Clem^{t} March, Thom^{s} Bell Esqs. and Capt. Thom^{s} W^{k} Waldron be a Comittee of this house to joyn with such as may be appointed by the Honble Council to treat with the own-

ers of the Brick house belonging to the Estate of Arch^{d} McPhaedies Esq. about purchasing it for a provincial House for his Excellency the Governour to dwell in, and if the owner of said House don't incline to sell it on such terms as ye s^{d} Committee shall think [p. 194.] reasonable, then that they look out for a suitable place to build a new house (for that use) on and make report to the Genl Assembly as soon as may be. Sent up by Mr. Jones. [Concurred.]

Mr. Speaker adjourned till 3 o'clock

P. M.

Whereas Ralph Blaisdell has represented to this house this day that he has a son, viz. John Blaisdell who went in the late Expedition to Crown Point, and now lays sick at the Flatts, who has sent for him to endeavour his getting home, that he is willing to go & give in his own time but that he is not able unless aided by the Province with silver money in order to bear their expences, therefore

Voted, That the Comittee of war supply the said Ralph Blaisdell with twelve Dollars for defraying the charges of bringing his son home.

Sent up by Mr. Stevens. [Concurred.]

[p. 195.] Saturday, Jany 1st 1757.

Met according to adjournment 9 o'clock, A. M.

Voted That the Staff Officers Roll(1) employed in the Crown Point Expedition in Col^{o} Nathaniel Meserve's Regiment be allowed, and that the Ballance amounting to Fourteen hundred and Twenty two pounds four pence, be paid out of money in the Treasury for the Crown Point Expedition, that the Ball^{a} due to each person as carried off against his name be paid to him his order, widow or legal Representative: Also Voted that no person or persons mentioned in said Roll who Received money of the Treasurer or Comittee of War for the use of said Expedition be allowed to Receive any Ball^{a} in said Roll due to him or them untill he or they have accounted for the money so Received with the s^{d} Committee,

(1) *List of Staff Officers in Col. Meserve's Regiment.*
Nathaniel Meserve, Colonel.
John Hart, Lieut. Colonel.
John Goffe, Major.
Josiah Bayley, Chaplain.
Ammi R. Cutter, Surgeon.
Cheney Smith, Surgeon's Mate.
George King, Commissary.
Joseph Young, Armorer.
Nathaniel Perkins, Armorer's Mate.
Amos Dwinnell, Hospital Commissary.
Potter's Mil. Hist.—Ed.

& further voted that before the said Roll be paid the Term of four days be allowed for the Commissary or any other officer or officers to Lodge an attested copy with the Treasurer of any thing by him or them supply'd any person mentioned in said Roll that the same may be stoped out of their pay, that each person who Received the Kings arms Return them or account with the Treasurer therefor before he Receive his wages. (a)

(a) Here follows Votes of allowance for Muster Rolls, in the usual form. [Concurred by Council.]

Capt. John Giddings for 22 men, employed as waggoners & Battomen, in the Crown Point Expedition in Col. Meserves Regt—	£652 : 8 : 8
Capt. John Shepherd, for 53 men (7 deserters)	1343 : 10 : 1
Capt. John Titcomb for 46 men (no deserters)	1244 : 4 : 9
Capt Sam[l] Gerrish for 53 men, (6 deserters)	1278 : 5 : 10
Capt. Abraham Perry for 52 men (6 deserters)	1272 : 12 : 0
Capt. Elisha Winslow for 50 men (4 deserters)	1441 : 16 : 0¾

Jour. Assem. pp. 195–200.

(b) Whereas it appears by a Written agreem[t] betweem Capt. Elisha Winslow & Trueworthy Ladd the Lieu[t] of said Company that both their wages were to be added together & divided between them, Resolved that the Treasurer conform thereto after the proper Deductions are made for the province agreeable to the above vote. p. 200.

(c) Capt. Ezekiel Worthen—	for 49 men (3 deserters)	£1392 : 12 : 1¾	p. 202.
Capt. Joseph Young	for 48 men (6 deserters)	1109 : 6 : 10¼	p. 203.
Capt. Isaac Smith	for 54 men (8 deserters)	1089 : 7 : 5½	p. 204.
Capt. Sam[l]. Watts	for 60 men (no deserters)	1911 : 16 : 2¾	p. 205.
Major Goff	for 46 men (4 deserters)	1059 : 0 : 4	p. 208.
Capt Nathaniel Doe	for 50 men (8 deserters)	1167 : 17 : 1	p. 209.
Capt. John Gilman	for 73 men (no deserters)	1152 : 7 : 11	p. 210.

(d) Mem[o]. Acc[t]. of what it cost the Governm[t] this year for soldiers on Connecticut River, viz.

Capt. Sam[l] Watts Roll pay & Billeting	£3408 : 5 : 5¾
60 mens Bounty, at 105*s*, 60 men Enlistm[t], at 7*s* 6*d*	337 : 10 :
60 mens Blanketts, at 35*s*, 60 men snapsacks & hatchets at 10*s* 6*d*	136 : 10
60 mens powder Ball & flints £30. 16 mens half pay at 10 : 3 : 9,	193 :
48 mens Billeting for 7 days each Rec[d] of y[e] Comittee of war 336 days in all—am[t]	33 : 12
	£4108 : 17 : 5¾

p. 205.

Fryday Jan[y] 7th 1757.

[p. 208.] Ordered By the house that the Clerk write to all the absent members to give their attendance a Monday next at Ten of the clock before noon as the Sec[y] Inform'd the house his Excellency had matters of moment to lay before the house then, and desired the attendance of all y[e] members then present.—

And they were all accordingly wrote to this day agreeable to the above order, and sent pr sundry of the members.

Mr. Secretary came down & Informd the house 'twas his Excellencys orders to him to adjourn the General Assembly to Monday next, being the 10th Inst.) at Ten of the clock before noon, & accordingly said In his Majesty's Name they were adjourned.

Monday Jany 10th 1757, 10 o'clock A. M.

There not being a sufficient number to make a house, adjourned till three o'clock,

P. M.

The Speaker being indisposed, the house proceeded to the choice of a Speaker pro Tempore, and made choice of Eleasr Russell Esq. Speaker pro Tempore, who was conducted to the chair.

[p. 212.] There being nothing laid before the house this afternoon, Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Tuesday January 11th 1757.

Met according to adjournment. Mr. Secy Bro't down his Excellencys message to both Houses of this Day, wch was read—a copy of wch is on file.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. II, p. 415.]

Gentlemen of the Council
& of the Assembly

The Earl of Loudon having advised me by his Letter of the 22d of December(1), from New York, that he had fixed the 13th day of this present month to be at Boston, when he proposed among other things to meet the Governors of the respective Colonys, and lay before them his plan for the Ensuing Campaign, and that this Government may be fully informed of the measures necessary to be taken to supply the proportion of aid, his Lordship may expect from me, to carry his plan into Execution, I have thought it for his Majestys immediate service to appoint the Honble Theodore Atkinson Esqr to deliver my dispatches to his Lordship, and to transmit me copys of the proposed plan, that I may communicate it to the General Assembly. This measure, at present I conceive to be most expedient, & will be attended with the least expence. Therefore, I shall not doubt but you will make a grant adequate to the trust, to defray the expence that must necessarily arise in this service.

Council Chamber in
Portsmouth, Jan. 11th 1757.

B. Wentworth.

(1) The Earl of Loudoun's letter has not been found.—Ed.

The Honble Danl Warner, Esq. Bro't down the vote for a State house and the plan of s^{d} house & Land, and the calculation for building it with Brick and said the Council thought the house might be built as cheap with brick as wood considering the Rise of Boards &c. The house took the same under consideration & ordered to lay till the afternoon.

Whereas his Excellency in his Mess^{a} to both houses of this date is pleased to signify that the Earl of Loudoun has advised him by his Letter of ye 22^{d} of Decr from New York that he had fixed the 13th day of this present month to be at Boston when he proposed among other things to meet the Governors of the respective Colonys & lay before them his plan for the Ensuing Campaign; and Whereas his Excellency thinks it for his Majesty's immediate service to appoint the Honble Theodore Atkinson Esq. to deliver his Dispatches to his Lordship and to transmit his copys of the proposed plan, that he might communicate it to the Genl Assembly; Therefore, Voted, That if his Excellency thinks proper to send the Honble Theodore Atkinson Esq, on Said Embassage, that he be allowed four dollars per Day while in said service for time & expense to be paid out of the Sterl^{g} money in the Treasury. Sent up by Mr. Knight.

Mr. Speaker adjourned till 3 o'clock

P. M.

[p. 213.] The Clerk was sent to Council Board with the vote for the State House and plan, &c. Bro't down by ye Honble Col^{o} Warner in the forenoon to inform the house saw no alteration in s^{d} vote needfull, therefore adhered to their former vote.

Wednesday Jany 12th 1757.

[p. 215.] Voted That all the Muster Rolls for men employed in the service last year & this be fairly copied over into a book to be prepared for that purpose and lodged in the Clerks office in this house, That Andrew Clarkson be desired to do it and that for his services in so doing, finding a Book and his extraordinary service out of the house in preparing the Muster Rolls, to be passed, he be allowed Twenty five shillings for each Muster Roll to be paid out of money in the Treasury for the Crown Point Expedition.

Mr. Speaker adjourned till 3 o'clock (a)

(a) Daniel Pierce Esq. was again appointed Recorder of Deeds and conveyances of Lands for this Province for the space of one year from 7th of Jan. 1757.

P. M.

Voted that Clem^{t} March & Joseph Smith Esqs be a Committee of this house to wait upon his Excellency the Governor with a

copy of the vote of this house of the 25th of March, 1756, Requiring the several officers of Colo Blanchard's Regimt forthwith & without Delay to render an acct of the money Recd out of the Treasury in the year 1755; also with the vote of the General Assembly of the 29th of April 1756, Desiring his Excellency the Governor to order deserters to be prosecuted according to Law—Informing his Excellency that it is the opinion of the house that if some methods are not pursued in order to answer the ends proposed by said votes it will be very difficult for the Governmt to engage in any new military operations.

Copy delivered to the above Comittee, and likewise the above Comittee was ordered to Return his Excelly the thanks of this house for a number of Books his Excellency was pleased to present the members of the General Assembly with by the Secretary some time since.

N. B. The number of Books was each member had one.

[p. 216.] Mr. Secretary came down & Informd 'twas his Excellencys orders to him to adjourn the General Assembly till Monday next the 17th Instant at 10 o'clock in the forenoon, and accordingly in his Majesty's Name they were adjourned.

Monday January 17th 1757.

Some of the members met. The Secy being at Boston (with Lord Loudoun) The Honble Richard Wibird Esq. came down and informed the house 'twas his Excellencys orders to him this day to adjourn the General Assembly till Thursday next the 20th Instant, to ten of the clock before noon, and accordingly in his Majesty's Name they were adjourned.

Thursday, Jany 20th 1757.

The house met according to adjournment.

Nothing being laid before the house this forenoon by his Excellency & the house having no Business of consequence on file, Mr. Speaker adjourned till 3 o'clock & [so from time to time till]

Wednesday Jany 26th 1757, P. M.

This being the Day as appears by Record, Dec. 31st 1756, to hear the petition of Mr. Joses Philbrick, of Rye, the same was read.

Resolved, That Joses Philbrick the petitioner be allowed to have a Lottery agreeable to said Petition to Raise six thousand

Pounds old Tenor, and that he prepare a scheme for the same and lay before the General Assembly as soon as may be.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Thursday Jany 27th 1757.

Met according to adjournment.

[p. 219.] An act for Regulating the Proceedings to Extinguish accidental fires that may be kindled among Buildings, and Preserving Goods thereby Endangered, having been read three times—

Voted, That it pass to be Enacted.

Friday Jany 28th 1757.

[p. 221.] Voted That Capt. Jonathan Moulton be sent to his Excellency with the following message, viz. to Enquire Whether the vote for the Building a State House was assented to or not; and the Vote for selling the Excise, and likewise if the vote for a Recorder was assented to, as the house been Informed the Records have been shut up some days.

The Honble Richd Wibird Bro't down Lieut Govr Phipps Letter of ye 12th of Jany with a message from his Excellency recommend^{g} the makeing a Law to prevent the destruction of fish on Merrimack river—which was read.

Voted, That Eleazer Russell Esq. & Andrew Clarkson be a Comittee of this house to prepare a Bill accordingly. Likewise to prevent the ketching of Bass in this River by Dip nets in the winter season.

The Honble Richard Wibird Esq. came down and said 'twas his Excellencys orders to him to adjourn the Genl Assembly to Tuesday next the first day of Feby next to ten of the clock in the forenoon, and accordingly in his Majestys name they were adjourned.

[p. 222.] Tuesday Feby 1st 1757.

Met according to adjournm^{t}. Not sufficient number of members being present to make a house Mr. Speaker adjourned till 3 o'clock

P. M.

The Honble Richard Wibird Esq. Bro't Down the Honble Theodore Atkinson's Esq. Letter to his Excellency, Boston, Jany 26th

1757 wch was read and said after the house had made the proper use of it, It must be returned to his Exy again.—A copy of which is on file.

Theodore Atkinson's Letter.

[Copied from MS. Corr. Vol. III. p. 63.]

Boston, Jany 26th 1757.

Sr.

Nothing new has open'd since mine by the Post of the 24th. We all wait intirely now for the Governmt of Connecticut which Governmt has no body here to represent them. They were call'd together on Thursday last but I am tired with the Delay; the plan still remains a secret here, & will not be disclosed till Connecticut Governmt or Comittee comes to town, or his Lordship hears from them. In my last I did not mention that I ask'd his Lordship if he would give me leave to write your Excellency that he intended you a visit, but his answer was it was impossible, he told me yesterday that he wou'd leave this town in one hour after his business was done,—but at present he could not fix any Period. I think I have fix't the Rhode Island Governr & Gentlemen so that they will not come into the Proposed Quota, but as I found they had not any knowledge of the plan proposed by his Lordship, I could do more than alarm their fears, & put them upon their guard against the insinuations of the Greater Provinces, and that when his Lordship should make his Demand he should be persuaded to demand the number of men and leave it to the several Provinces to proportion them, and this at present they approve of and all fall in. I hope your Excellency will not think it necessary that I remain at Boston till the conclusion of these affairs, as it will take a good deal of time, and I cannot see any service I can be of here after I have recd his Lordships plan in such a manner as will be proper to Lay before the Assembly.

I am your Excelys most obedt
Humble servt

Theodore Atkinson.

(Copy pr
A Clarkson, Clerk.)

Fryday Feb. 4th 1757.

[p. 226.] Mr. Secy Wibird Bro't down the application from his Excellency the Earl of Loudoun, Genl & Comander in chief of all his Majesty's forces in North America to the several Governors & Commissioners of the New England Governmts Assembled at Boston, & the Commissioners Messa to Lord Loudoun, Jan 7 1757, all which was read.

The Earl of Loudoun's Application.

[Copied from MS. Corr. Vol. III. p. 67.]

Boston, Saturday Jany 29, 1757.

Gentlemen—

You must be very sensable that the measures taken the last year for the Preservation of his Majesty's Dominion and Colonies upon this Con-

tinent, and for the annoyance of his Majesty's Enemys have proved ineffectual, and instead of removing the French from any of their Encroachments, We have suffered them to make considerable advances upon us.

I shall put you in mind of some of the Proceedings to which I apprehend your misfortune may be in a great measure attributed.

When I left London which was on the 17th of May the ministry had received no Intelligence of the Determination of any of the governments to Prosicute an Expedition against Crown Point, Altho' this Determination had been made by the Massachusetts the 16th of Feby, and I cannot acct for this neglect in those whose Duty it was to have given the earliest advice that might be. The want of this advice rendered it Impossible for me to receive any orders with imedeate relation to your resolution.

Upon my arrival at Albany I found your forces fell very much short of the Number you had agreed to raise and which you tho't necessary for the service, and from the best Information I could get the Troops in general were not Equal to those which you always had employed on former occasions. I could not therefore think it advisable for them to Proceed without the assistance of Part of his Majesty's Troops.

I met with unexpected Difficulties and was much retarded in settling the connection between the regulars and the Provincials and before it could be fully effected and any Proceedings had in consequence of it, I received the news of the surrender of the Forts & Garrisons at Oswego and all his Majesty's Possessions upon the Lakes to the French. The true State and circumstances of those forts & Garrisons were never represented to me by my predecessor. I had good reason to think, that the Enemy flushed with success, would make an attack upon the Provincial forces. I imediately wrote to the several Governors and Demanded an aid suitable to the state of their affairs—what success I had you very well know. There was in some of you a Profession of readiness to afford assistance and the show and appearance of it in the Votes of the Assembly, but it turned out in fact, that the attempt to carry these votes into Execution were Defeated & Proved ineffectual.

Some time after I had applyed to the several governments for aid, it pleas d God, that the recruits from London and the Highlands arrived, and I was able to collect a greater Number of recruits raised for the Royal American Regimts than I had any hopes of being able to collect at that season of the year, all which I immediately joyned to the Regular Troops, and as many of them as could be spared I marched for the strengthening & for the security of the Provincial Forces.

I have since received certain intelligence that I was not mistaken in my apprehensions of the Designs of the French and that it was the acct which they recd from their scouts & spies of the actual march of the regulars, the Number of which was reported to be greater than it really was, which diverted them from the resolutions which they had formed.

What the event of such an attack would have been God only knows—I was extremely anxious about it & I have the greatest reason to think that if it had been made upon the Provincials alone it would have been followed up with very fatal consequences.

Your Forces after this by sickness or Desertion or both were dayly diminished,—the season was so far advanced that I had no further tho'ts of any offensive measures against the Enemy, and I determined that as soon as they withdrew the Provincials should be dismissed & that the charge which the several Governments were at for their pay should cease as soon as possible.

This has been the state and progress of your affairs the year past. I hope Gentlemen, that under the guidance and blessing of Divine Providence the Plan of opperation for another year will be better Prosicuted.

I have desired a meeting of your several governments by the Governors

& Commissioners at this time in order to their Determining what Number of men they will raise to be employed in conjunction with his Majesty's royal Forces the ensuing year.

Considering the vast expense of supporting so large a Number of Troops as are employed by his Majesty for the Protection of his Colonies, the burthen whereof you bear no part, you cannot think much of contributing so small a Proportion towards your own defense, as I now require of you; for could I be assured of four thousand good effective men to be raised by the four Governments of New England in such proportion as you shall settle among yourselves, I would not urge you to go beyond that number.

I must recommend to you the giving better encouragement to your officers than you have formerly done which may be an enducement to Persons who shall be equal to their Posts & who will Preserve order & Discipline to engage in the service, and I think if some part of your mens pay were converted into a Fund to assist in giving them necessary cloathing it would be of great use.

The particular Place of service in which I must employ these Forces it is not in my power to communicate to you. I wait for answers to my Letters gon to England before I can fully Determine upon it myself, but if you were to wait until I receive them before you proceed to raise the men it would be too late to do it for the service of this year.

Besides, Gentlemen, great inconvenience must arise from making my Design Public and I know of no advantage which can accrue from it—the confining your men to any perticular service appears to me to be a Preposterous measure. Our affairs are not in such situation as to make it reasonable for any Colony to be influenced by its particular Interest.

The question is in what way and manner the whole may be secured, and the common Enemy of all most effectually annoyed. This is the Point I must keep in view and no consideration will prevail with me to Depart from it.

You may Depend on my treating your men with all that tenderness and indulgence which will consist with necessary order & Discipline, and that I will employ them whenever there shall be room for it in such services as shall be most suitable to their genius, and the way and manner of fighting to which they have been used, and that they shall be discharged at furthest at the Expiration of the Term for which they are raised and as much sooner as the service will admit—but to Engage that I will employ them in this or that particular place only, it is what I cannot do upon any terms, for I think it will be more prejudicial to the Publick than the whole benefit which we may expect from the Provincial forces would countervail.

I do not thus express myself to you, Gentlemen, because I think it a matter of but little consequence whether you afford me aid or not—No—I think it of such moment that you would never be able to attone for a refusal.

I hope therefore you will spend no time upon this point, but will without delay Determine upon a complyance with my Proposal to you That so we may begin our Preparations this year earlier than ever we have done before.

(Copy) LOUDOUN.

The Commissioners' Message to Lord Loudoun.

[Copied from MS. Corr. Vol. III, p. 78.]

To his Excellency the Earle of Loudoun General and Commander-in-chief of all his Majesty's Forces in North America &c. &c. &c. at Boston.

The Commissioners from the several Governments of New England

convened at Boston having Received your Lordships Proposal for affording an aid for the service of the ensuing year, beg leave before they enter into a general consideration of the Proposal, Humbly to pray your Lordship to signify your Intention with respect to the following particulars.

1st They Pray your Lordship to inform them what Proportion or particular part of the charge of Provincial forces your Lordship expects should be born by the Colonies.

2dly The Commissioners being apprehensive that it will be a great discouragement to the Inhabitants of these Northern Colonies from Enlisting unless assurance can be given that they shall not march to the southward of certain limits, therefore they humbly pray your Lordship to inform them, Whether it may consist with the public service that such assurance should be given, and if it may consist what limits your Lordship will approve of.

3dly The commissioners humbly Pray your Lordship to signify for what Length of Time it will be necessary the men be Raised.

At the desire of the Commissioners,

Signed, THOMS FITCH.

Jany 31, 1757.

Copy Examind pr, Andrew Clarkson, Clerk.

[P. 227.] Tuesday, Feby 8th 1757.

Met—[and adjourned from time to time] till

Tuesday, February 15th 1757.

Mr. Secy Brot Down his Excellency's message of the 14th Instant, & his Excellency the Earle of Loudoun's Answers to several Queries, & his Excellency the Earle of Loudoun's determination upon several Points &c. and left them on the table.

[P. 228.] The foregoing Papers were all read, and sundry debates &c. on them.

The Governor's Message.

[Copied from MS. Govrs Messages, Vol. II. p. 421.]

Gentlemen of the Council
and of the Assembly

I have directed the Secretary to Lay before you the Earl of Loudoun's answer to the Queries exhibited to his Lordship by the Governors & Commissioners of the New England Governments convened at Boston, dated February the first, also his Excellency's opinion & determination on several points proposed and confered upon at the house the fifth instant respecting the 4000 men agreed to be employed under the Kings General and Commander in chief for one year.

The proportion to each Colony is as follows:

Massachusetts	1800 men
Connecticut	1400 "
Rhoad Island	450
New Hampshire	350
	4000 men.

The Massachusetts Government I am informed have already made a grant of their Quota, Connecticut & Rhoad Island have given his Lordship full assurance that their respective Quotas shall also be ready in time, and it will, I am pursuaded, be highly pleasing to his Lordship to have a speedy resolve of the Government of New Hampshire confirming the grant of New Hampshire and I am hoping after you have taken under your consideration the before recited papers, you will without delay take such measures as will effectually enable me to raise the Quota assigned this government, in doing of which great regard must be had that none but effective, able-bodied men shall be employed.

As Collonel Atkinson was present in conducting what has passed between his Lordship and the respective governments by their Governors and those properly authorized in their behalf, I shall have no occasion to be very particular, but shall refer you to him for Explaining himself upon any points that may be in doubt.

B. WENTWORTH.

Council Chamber in
Portsmouth, Feby. 14th, 1757.

Earl of Loudoun's Answer to several Queries.

[Copied from MS. Corr. Vol. III, p. 83.]

To the Governors and Commissioners of the several Governments of New England;—

His Excellency the Earle of Loudoun's Answer to their Queries of yesterday.

1st When I had the Honour to be appointed to the Comand of the Forces in North America the plan for supplying the necessary Expenses of the War here was the same as when General Bradock came out, viz.

That the Provinces should not only bear the Expences of the Troops they raised for their own defence but should likewise supply at their expense the Regular Troops sent for their Protection with Provisions.

It was afterward agreed that a Contractor should be appointed to supply the regular Troops with Provisions, and you will see by the Secretary of State's letter that the Troops Raised by the several Provinces to act in conjunction with the Regular Troops were to be provided likewise with Provisions. The Provincial Troops shall likewise be provided in amunition, the artillery stores will be provided by the King, and altho' I expect you should provide surgeons and medicines for the ordinary service of your Troops I shall admitt those into Hospitals whose cases Require it and take the same care of them as of the other Troops, and I do not think myself intituled to go further.

2dly. As I am very unwilling that by any thing that passes between you and me the Enemy should ever be informed that there was any part of his Majesty's Dominions in North America that they could invade and be safe from meeting the combined forces of New England to drive them back & Prescribe the bounds they would permit them to come to, Therefore you will not insist on a Direct answer to this Query.

At the same time I do assure you that I neither now have nor ever had the smallest intention of marching the Troops raised by the New England governments out of the limits I know they will willingly go to, and that you will approve of their being led into.

3diy As to your third Query I observe you have been formerly in use of raising your Troops for a year, and that period will now answer the purpose of the service for altho' I see no reason to believe I shall have occasion *no* to detain them so long, it will not prevent my sending them home as soon as the service will permit, and if any unforeseen accident would make it necessary forthem to continue longer in the service it will leave time for a fresh application to the several Governments.

LOUDOUN.

Tuesday morning, 1st Feby, 1757.

Copy from a Copy, Att. Andrew Clarkson, Clerk.

The Earl of Loudoun's determination upon points proposed, &c.

[Copied from MS. Corr. Vol. III. p. 87.]

To the Governours and Commissioners of and from the Several Governments of New England:

His Excellency the Earl of Loudoun's opinion and determination upon several points proposed and conferred upon at his House the 5th Instant Relative to the 4000 men agreed to be raised and Employed under the Kings General and Commander-in-Chief in the pay of said Governments.

The first thing you proposed to me, Gentlemen, was the time when I thought it would be necessary the men should be at the place rendezvous. I think no time should be lost before you begin the raising your men. Much will depend upon an early or backward spring. I should be glad the whole forces might be ready to be mustered by the 25th of March at farthest.

It is most agreeable to his Majesty's Direction's to me and to my own sentiments in the present situation of our affairs that the forces should be raised in Companys of 100 men each including four Commission officers or as near to that number as the whole that may be furnished by any particular colony will admit. Besides the officers to each Company I desire there may be one officer to command from each Colony who may convey such orders as he shall Receive from me to all the Troops of such Colony.

I desire particular care may be taken that both officers and men may be such as are fit for the service, and that none but able bodied men and such as can bear the fatigue of a Campaign in this country may be employed; unless the muster masters are faithfull you will be in danger of having many insufficient men sent out. I am afraid there was a great remissness in some Colonies in this respect the last year, and I hope there will be no cause of complaint for the future.

It is of great importance that in each Colony an exact knowledge should be had from time to time of their forces raised & actually march'd that the whole number engaged may be compleated and any deficiency whether from desertion or any other cause may be made good. After you have given me assurances of a certain number of men, and I have ordered my Plan and measures with a dependence upon them, it may be of extreme bad consequences to disappoint me in any degree.

I find it will be a very agreeable thing to your People that Courts Martial for the trial of offences should be constituted from among their own officers; and as I am willing they should be gratified in everything that may consist with his Majesty's service, I intend that all offences in any of the Provincial Troops that are not of the most heinous nature, shall be tried and determined by the Provincial officers alone, and when any of the grossest crimes shall make it necessary for me to appoint some of the

officers of his majesty's regular forces I intend even then to join some of your Provincial officers to be assisting with them in trying & determining all such cases.

As I am very desirous the forces should be raised and engaged in the service as soon as possible, I will allow at the rate of two shillings sterling pr week in lieu of provisions to each man from the time of their first muster untill their actual march or receiving the King's Provision and this allowance I make for the sake of forwarding this particular service, and I do not intend it to serve as a precedent for the future. That I may act with the greater certainty with respect to their allowance I expect that regular returns be sent to me of the time and place and Number of men as often as any Muster shall be made.

Copy of a paper sent to the house with his Excellency's message of the 14th of Feby last & said by Mr. Secy Atkinson to be the writing of Lord Loudoun's Secretary.

Andrew Clarkson, Clerk.

Mr. Speaker adjourned till 3 o'clock

P. M.

The Govrs Messa to both houses & the papers therein Referred to was again read.

Voted That Henry Sherburne Jun. Esq. Colo Peter Gilman, Eleazer Russell, Clement March and Thomas Bell Esqs be a Committee of this house to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excellencys message of the 14th Instant to both houses, and of the several papers therein Referr'd to, and make Report to the General Assembly as soon as may be, what may be proper to be done thereon. Sent up by Mr. Knight.

The Honble Joseph Newmarch Esq. came down and Informed, The Council had concurred the foregoing vote, that they had joined a Comittee and were ready to attend immediately.

Mr. Knight was sent to the Board to inform, The Comittee of the house was ready—who said the Comittee of ye Council desired the Comittee might attend at Council Board.

Whereas Lieut John Speer in Capt. Jno Shepherds Muster Roll, is charged with Ten stand of arms, and whereas the said Speer has delivered one to each of the following persons viz. Wm. Steward, Daniel Moor, Robert Gorden, Daniel Elliott, James Liggett, Ezekiel Steel, Jonathan Davis, Arthur Boyde, for which he has their Receipts,

Voted That the said Speer be discharged from the same, and that [p. 229.] the above persons returne the said stand of arms to ye Treasurer or that he stop out of their wages due an Equivalent therefor. Sent up by Mr. Seavey, who was desired to inform that the Committee were a coming up & accordingly attended. [Concurred.]

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Wednesday Feby 16th 1757.

Met according to adjournment. Mr. Robt Clerk Brot into the house the following certificate:

These certify that Wm. Steward inlisted himself as a private soldier in my Company May 1st 1756, and continued in the service till Novr 21, which is seven months & twenty three Days, and behaved himself as a good soldier the whole time, and by some mistake was left out of the Muster Roll, and is made up in no other that I know of.

John Shepherd.

Portsm^{o}, Feby 16, 1757.

To 7 months 23 days service, at £4 : 10 pr month, is	£35 : 3 : 11
Dr. To one months adv^{a} Pay	4 : 10
Supply'd by the Comissary & agents on the Province acct.	4 : 4
	8 : 14 :
	£26 : 9 : 11

N. B. This man had one stand of arms.

Voted That the above Ball^{a} of Twenty six pounds nine shillings and eleven pence, be allowed & paid to the said William Steward or his order out of money in the Treasury for the Crown point Exped^{n}, that he return the stand of arms, or that the Treasurer stop an Equivalent out of the above Ballance therefor. Sent up by Mr. Knight. Concurred.]

[P. 230.] Mr. Speaker adjourned till 3 o'clock

P. M.

The petition of John Randell praying an allowance for his stand of arms lost & his cloaths &c. by a Battoes staveing to pieces coming over the Falls from Fort Edward to the Flats, being read,

Voted, That there be allowed to John Randell in full for the annexed acc^{t} of sundrys lost, Twelve pounds ten shillings & paid out of money in ye Treasury for the Crown point Expedition, and that the Treasurer stop nothing for his stand of arms, as they were lost on the falls between Fort Edward & the Flatts, as appears by the Declaration of ye said Randell & John Speer the Lieut of said Company. Sent up by Capt. Richardson. [Concurred.]

The Honble Joseph Newmarch Esq. Brot down the Committee of both houses' Report on his Excellencys speech to both houses of ye 14th Inst, and the Papers therein Referred to, and Laid them on the Table—the same was read, and the other papers relative thereto.

Mr. Speaker adjourned till 9 o'clock to-morrow morning.

Thursday, Feby 17th 1757.

Met according to adjournm^{t}.

The Report of the Committee of both Houses and the sundry Papers relative thereto was again read, which is as follows: viz.

Province of }
New Hamp^{r} } Feby 16th 1757.

The Committee of both houses appointed by vote of yesterday to consider and report upon his Excellency's the Gov^{rs} message to both houses [p. 231.] of the 14th Inst, in Relation to the Demand made by his Excellency the Earle of Loudoun of men for the Ensuing Campai'n have, agreeable to the said vote, had his Excellency's said message and the severall papers therein Referr'd to before them, & altho' they finde the Quota assigned and Desired by his Lordship far exceeds any equal Proportion made either from the number of Inhabitants or ability of his Majestys' other governments of New England, yet that this Province (who have always exceeded in every combined Expedition) may shew forwardness in the Ensueing campain and come fully up to his Lordships Demand of three hundred and fifty men as the proportion of this Province of 4000 Demanded by his Lordship from his Majesty's Province of New England, and which they think ought never to be pleaded or Drawn into President in any future Proportion:—

They do think it adviseable that the said number of three hundred and fifty good effective men, officers included, be immediately raised to be born in the pay of this governm^{t} and to be subsisted agreeable to his Lordships Proposals, to be formed into four Companys and comanded by such officers as his Excellency shall think proper, both officers and men to be under the comand & direction of his said Excellency the Earl of Loudoun or the Comander-in-Chief of his Majesty's forces in North America for the time being, the said officers and men to be held in the service one year unless his said Lordship or the Comander in chief afores^{d}, should think proper to disband them sooner, the said men to have & Receive such Pay & Gratuity's as may be tho't proper by the general Assembly, and for a fund for Defraying the charge this Province may be at in Rais^{g} and paying the said men & other subsequent charges the Comittee humbly offer that the Blank Sheets now in the Province Box to the amount of Twenty Thousand pounds be signed off and put into the Treasury for the end aforesaid, this being the only way they can think of to supply the Treasury;—Eight thousand pounds thereof to be forthwith signed off and put into the Treasury, and for a fund or security for Drawing in and sinking the same that an act pass laying a Tax on the Polls and Estates within this Province to bring the said sum of eight thousand pounds into the Treasury by ye 25th Dec. 1761, and that the remaining sum or £12000 be signed off and put into the Treasury by ye 25th day of Dec^{br} next for payment of ye remaining part of the wages that shall be then due, & y^{t} for a fund for calling in and sinking the same a Tax be laid on ye polls and estates within this Province for Bringing the said sum of £12000 into the Treasury by ye 25th day of Decr 1762, & y^{t} if the s^{d} respective Issues shall not be sufficient to answer ye ends afores^{d}, then such further sums be emitted as may then appear necessary unless [p. 232.] the General Assembly should agree upon some other method for Defraying the same.

By order of the Committee.
Theodore Atkinson, Chair^{n}.

Prov. of New Hamp^{r}.

In Council Feby 16th 1757.

Read and ordered to be sent down to the house of Representatives, Feby 17th 1757.

Theodore Atkinson, Sec^{y}.

In the House of Representatives.

This Report having been read, Voted That it be accepted & sent up for concurrence, with this amendm^{t}, y^{t} ye men be raised by Enlistm^{t} as soon as a proper act has passed all the Branches, to answer ye ends proposed hereby.

Andrew Clarkson, Clerk.

Fryday, Feb. 18th 1757.

[P. 233.] Mr. Secretary Brot Down his Excellency's objections to the Report of the Comittee of both houses yesterday wch was read.

[Copied from MS. Gov^{rs} Messages. Vol. II. p. 427.]

Portsmouth, 18th Feby 1757.

Sir—

The Report of both houses on my message relative to the raising 350 effective men to be under the comand of Loudon the next summer is liable to many objections, and as it now stands can never answer the ends proposed,—being fully pursuaded that the number of effective men cannot be raised by Inlistment only, unless you raise 500 men, and discharge 150 to make them effective; besides it will take up so much time, that we shall be too late at the place of Rendezvous.

By the act of Parliament limiting the time for Issuing paper money, five years is the extent it can be Issued for, & which brings the extent of time to 1761, and the Report carries it to 1762 so that as it now stands, it is a year beyond the time, but that is easily altered, & I hope the Council & Assembly will think it necessary to reconsider their Report and make such alterations as will effectually answer the end proposed. (1)

I am sorry no other measures could be agreed on for this service, but Issuing more paper money. I fear it will be attended with bad consequences, however if no other way can be found that must do, as far as it will go.

I am persuaded if we should attempt to raise volunteers with paper money, it would be a fruitless attempt, occasion a great delay in Levying the men, and drive the best and ablest of them into the service of other governments—This has been the case, and will be now, if I judge right.

I am, Sir, your most hum^{b} serv^{t}.

B. Wentworth.

Col^{o} Atkinson.

(1) The original Report was so far modified as to meet the Governor's objections.—Ed.

Act to prevent the Destruction of Fish on Merrimac River having been read three times,

Voted That it pass to be enacted. Sent up by Capt Hale.

Mr. Speaker adjourned till 3 o'clock

P. M.

Mr. Russell chosen speaker pro Tempore.

Mr. Joses Philbrook Brot in his scheem for a Lottery (for opening a Harbour at Rye) which was read, Voted, that the annexed scheem for a Lottery be accepted and that Hunking Wentworth & Elliot Vaughan Esqs. with two other persons to be appointed by the Honble Council by the managers thereof and that they be sworn to the faithful discharge of their duty therein, and also that the said Philbrook give bond with suretys that the neat proceeds of the said Lottery be to all intents and purposes applyed to the use in the said petition mentioned, within three years from the Drawing said Lottery, and also that if said Lottery should not be [p. 234.] drawn within the time limited by the said managers, to refund all the money Rec^d^ for any ticket sold, and that the said managers render an acc^t^ of their proceedings to the General Assembly, when & so often as they shall be required, and that the said Philbrook have Leave to bring in a Bill accordingly.

Sent up by Mr. Seavey. [Concurred]

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Saturday Feby 19th, 1757.

Met according to adjournm^t^. This forenoon spent in sundry debates on the Committee's Report of ye 16th Inst. & passed ye 17th Instant, with some alterations, which was sent up again.

Mr. Speaker adjourned till Monday 3 o'clock, P. M.

Monday Feby 21st 1757.

Met according to adjournment, 3 o'clock, P. M.

His Excellency's Message to the House of the 18th Inst. was read and Debated on.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

*The Governor's Message, Feb^y^* 18, 1757.

[Copied from MS. Gov^rs^ Messages, Vol. II. p. 425.]

Mr. Speaker and
Gentlemen of the Assembly.

The Earl of Loudoun having signifyed to me that his Majestys service

demanded a number of smal Cannon on Connecticut River for covering the Forces and workmen he should employ there the ensuing Summer, I have caused two four pounders and four six pounders to be delivered to Coll° Meserve for that service, and as waggons and horses will be wanting to transport said Cannon, I must not doubt but you will give all necessary assistance therein, that neither his Majesty's service may be impeded nor his Lordships Intention to promote the interest of the Province may meet with the least disappointment.

B. Wentworth.

Council Chamber in
Portsmouth, Feby 18th 1757.

Tuesday, Feby 22^d, 1757.

This forenoon was taken up on his Excellency's Message of the [p. 235.] 18th Instant relateing Guns demanded by his Excellency the Earle of Loudoun & some other Debates of Importance.

Mr. Speaker adjourned till 3 o'clock

P. M.

This afternoon taken up in settleing the wages & Gratuitys for officers and soldiers in the Campaign for this year, and sundry Debates of Importance Relating the expedition-

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Wednesday Feby 23^d, 1757.

This forenoon taken up in preparing the Act for £20,000 & sundry Debates of consequence Relating the Expedition this present year, &c.

Mr. Speaker adjourned till 3 o'clock

P. M.

The Speaker being indisposed the house proceeded to the choice of a Speaker and made choice of Peter Gilman Esq. Speaker pro Tempore.

Whereas his Excellency has been pleased to say by his message to this House of the 18th Instant, That the Earl of Loudoun hav- [p. 236.] ing signified to him that his Majesty's service demanded a number of small Cannon on Connecticut River for covering the forces & workmen he should employ there the ensuing summer, and that he had caused two four pounders, and four six pounders to be delivered to Col° Meserve for that service, and as waggons and horses will be wanting to transport said Cannon, not doubting but the Assembly would give all necessary assistance therein that neither his Majesty's service may be impeded nor his Lordships intentions to promote the interest of the Province may meet with the least disappointment:

Altho' it does not appear by any papers laid before this house that the Earl of Loudoun expected the Province to be at any charge for transporting the above said cannon, yet to shew our willingness to forward our transportation of them,

Voted, That six of the waggons & the tackle belonging thereto (belonging to the Province) now in the hands of the Comittee for the late Crown Point Expedition be delivered to Col° Meserve for the use & service aforesaid, and that he return the same when the service is over unless he shall be ordered otherwise to dispose of them by said Comittee. Sent up by Mr. Jones. [Concurred.]

Fryday Jul^y 25th 1757.

[p. 238.] Voted That the following Establishment of wages & Bounty be made for the officers and soldiers to be raised in the Province this present year, and put under the command of his Excellency the Earle of Loudoun.

That the wages for a Colonel,	£45 :	pr month.
For one Capt. to each company	25	pr. ditto.
For each Lieut.	16	pr. ditto
For each Ensign	10	pr ditto
For four serjants to each Comp^a, each,	7 : 10	pr. ditto
For four corporals to each Comp^a, each	6 : 15	pr ditto
For one drummer to each Comp^a	6 : 15	pr ditto
For one armorer	15 :	pr ditto
For his assistants	8	pr ditto
For one Commissary	23	pr ditto
For one chirurgeon	25	pr ditto
ditto mate	12	pr ditto
For one chaplain	25	pr ditto
For each private centinal	6 : 5	pr ditto
Bounty to each man in ye last Expedition Commission & warrant officers excepted—	10	
Do. to new soldiers private	7 : 10	

That each man have one Blankett, hatchett & Knap-sack.

[p. 239.] That there be allowed for Inlisting the several soldiers for said Expedition Ten shillings each, to be paid to the officers who shall inlist the same.

That each Inlisting officer who shall pay Bounty to any soldier by him Inlisted, who shall not pass by the muster Master for an able bodied effective man shall be obliged to Refund s^d Bounty.

The above vote passed in the house Feby 23^d, 1757, But not sent up till this forenoon. Sent up by the clerk. [Concurred.]

Mr. Sec^y came down & Inform'd the house that his Excellency the Governor had signed the Bill for Raising 350 men, &c. Like-

wise Brot Down his Excellency's message of this day to both houses with the sundry papers therein Referrd to, all which was read. Likewise Brot Down the Muster Roll of Col° Hart's Company, saying that his Excellency could not pass it as it now stands, and mentioned his Excellency's objections.

The house took the same under consideration immediately.

Voted, That the house adhere to their former vote on said Roll, of the 6th of Jany last. Sent up by the Clerk.

Act for raising 350 *men, &c.*

[Copied from MS. Vol. in Secys office, "Lords of Trade," "Council Records, &c."

Province of New Hampr. } Anno Regni Regis Georgii Secundi, Magnæ Brittaniæ, Franciæ et Hiberniæ Tricessimo.

An act for granting unto his most Excellent Majesty the sum of Twenty Thousand pounds for the promoting & carrying on an expedition against his Majesty's Enemies in North America.

Whereas his Excellency the Earl of Loudoun Captain General & Commander in Chief of all his Majestys Forces Raised or to be raised in North America, has made a Demand of three hundred & fifty men from this province for his Majesty's service:

Be it therefore Enacted by his Excellency the Governor, Council & Assembly, That his Excellency the Governor be & hereby is desired to cause to be Inlisted the number of three hundred & fifty able bodied & effective men, officers included, under such proper officers as shall be appointed and commissioned by his Excellency the Governor, to be under the command of his Excellency the Earl of Loudoun, or the Commander in Chief of his Majesty's Forces in North America for the time being, for & during the Term of one year (unless his Lordship or the Commander in chief aforesaid should be pleased to dismiss them sooner) & no longer, on such pay, Rewards, Incouragements & Gratuitys as shall be allowed & given by the General Assembly & to be supply'd with provisions & warlike stores by his Majesty according to the Earl of Loudoun's proposals.

And be it further Enacted, by the Authority aforesaid, That the sum of Ten thousand pounds, part of Twenty thousand Pounds blank sheets now in the Province Box struck from the large Plate used for the late Crown Point Expedition, be signed off and put into the Treasury Immediately for fixing out the said Three hundred and fifty men, and that the remaining Ten Thousand pounds of said sheets be signed off & put into the Treasury by the 25th Day of December next for the paying the officers & soldiers, when the Muster Rolls are made up & allowed by the General Assembly & for Defraying any other charges that this Government may be at in carrying the affair into execution, as the General Assembly shall order.

And be it further Enacted by the authority aforesaid that no officer or soldier that shall Inlist & proceed on said service shall be liable to have his Body arrested, stayed or Imprisoned during the continuance of the said service upon mean process or Execution for any less sum than Fifty pounds due to one Plantiff.

That there shall be a Chaplain, surgeon & Commissary to be appointed by the General Assembly; And for a fund & security for the Drawing & sinking ye sd Bills.

Be it Enacted by the authority aforesaid That there shall be a Tax on the Polls & Estates within this Province in two Payments, viz. The ten

Thousand Pounds (That by this Act is to be signed off & put into the Treasury Immediately) part thereof in the year 1761, & Ten Thousand Pounds the remaining part thereof in the year 1762, to be paid into the Treasury by the 25th day of Decembr, in each of the said years. And that the Treasurer of this province for the time being Issue out his warrants in each of the said years for the assessing levying and collecting the same on or before the last day of May in each of the said years, agreeable to the proportion which shall then be in force, & that what of the said Bills shall be paid into the Treasury shall be burnt to ashes in the face of the General Assembly in order to sink so much of said Bills. And that each Warrant for drawing any of said Bills out of the Treasury for the ends & purposes aforesaid shall be signed by his Excellency the Governor or commander in chief for the time being, with the advice of his Majesty's Council & be agreeable to the votes of the General Assembly.

And be it further Enacted, by the authority aforesaid, that the aforesaid payments, for drawing in and sinking said bills, shall & may be made in the said Bills or in Bills of the same Tenor or in Spanish Milled Dollars at the rate of fifteen shillings pr Dollar, or in other silver or Gold in proportion, or in good Bar Iron at four pounds pr hundred weight, good well dressed Hemp at two shillings pr pound, good well dressed flax at one shilling & six pence pr pound, good Indian Corn at six shillings pr Bushel, good peas at Twelve shillings per bushel, good winter wheat within this Province at twenty shillings pr Bushell, good Pork at nine pence pr pound, good Winter & Spring Cod-fish at Forty shillings pr Quintle, to be Delivered to the Treasurer at the cost and charge of the owner, & that the Treasurer insert the same in his respective warrants for calling in said Bills; And that the Treasurer as soon as may be, sell such goods as shall be paid him as aforesaid for the most they will fetch & that the money ariseing thereby shall lay in the Treasury for a fund for sinking so much of said Bills as said Goods shall sell for: And that the Honble Theodore Atkinson, Daniel Warner, Richard Wibird, Esqs. Henry Sherburne jun. Peter Gilman & Clement March, Esqs. shall be & hereby are are appointed a Committee to sign the said bills, each Bill to be signed by any three of them, which Bills being so signed, shall be delivered by the said Committee unto the Treasurer of this Province for the time being, to be drawn out & applyed to & for the ends and purposes aforesaid as the General Assembly shall order, taking the Treasurer's Receipt for the same, and that the said Committee shall be under Oath for the faithfull Discharge of their trust—and that the Honble Richard Wibird, Daniel Warner Esq. Henry Sherburn, Jun. Esq. & Mr. John Knight, jun. be & hereby are appointed a Comittee to purchase Blanketts & all other things necessary to carry the said affair into Execution.

And be it further Enacted by the authority aforesaid, that every person who shall Receive any money out of the Treasury for Enlisting men for the said Expedition shall give Bond with good suretys in Double the sum he shall Receive unto the Treasurer for the time being for the use of this Governmt, to be accountable for what he shall receive, And

Be it further Enacted by the authority aforesaid, That whatever sum his most Excellent Majesty shall be graciously pleased to grant us in consequence of our Extraordinary charge shall be Improved for sinking the Bills of Credit of this Province as the General Assembly shall order.

Province of New Hampr. } In the house of Representatives, Feby 24th 1757.

This Bill having been read three times,
Voted, That it pass to be Enacted.

Peter Gilman, Speaker pro tempore.

In Council Feby 24th 1757.

The foregoing Bill read a third time and passed to be Enacted.

Theodore Atkinson, Secy.

Feby 25th 1757.

Consented to—

B. Wentworth.

Governor's Message, 25th Feby 1757.

[Copied from MS. Govrs Messages, Vol. II. p. 429.]

Gentlemen of the Council & Assembly,

By order of the Right Honble the Lords Commissioners of his Majesty's Treasury, Mr. West their Lordships Secretary wrote me the letter of the 15th of October 1756, which you will have herewith laid before you, and I have now to recommend your punctual complyance therewith, otherwise great injurys may arise to his Majesty's service.

I must also recomend to your consideration General Winslows letter to me of the 7th Instant, his list of the General Staff officers for the year 1756, and his Memorial for an allowance, or pay for himself & them in proportion to the troops employed under his command by this Government, and when you have duly weighed the Import of the before recited Papers I shall not doubt of your acting consistently thereupon.

B. Wentworth.

Council Chamber in
Portsmouth, Feby. 25th, 1757.

Letter from J. West, Secy of the Lords Commissioners &c.

[Copied from MS. Corr. Vol. III, p. 59.]

Sir—

The Paymaster General of his Majestys Forces having by his Memorial laid before the Lords Commissioners of his Majesty's Treasury the account of his Deputy Paymaster in North America and it appearing thereby that by order of Mr. Shirley several sums of money designed for the use of his Majesty's Forces there have been advanced and paid by his Deputies to the Colonies of Massachusetts Bay, Connecticutt and New Hampshire by way of Loan, I am directed by their Lordships to acquaint you that as the public service in those parts requires an immediate repayment of those Sums, their Lordships do expect that out of the money remitted to you in part of the one hundred and fifteen thousand pounds granted by Parliament, you do take care, that the sums lent to your Colony be immediately repaid for the service of the Army. I am, Sir,

Your most humble Servant

J. West.

Treasury Chamber,
15 Oct. 1756.
To Benning Wentworth.

Letter of Gen. John Winslow to Gov. Wentworth.

[Copied from MS. Corr. Vol. III. p. 85.]

Boston, 7th Feby 1757.

Sir—

As the Campaign for 1756 is at an End, and my duty as General now subsides, What remains is that the General Staff Officers of the five Governments are *retaliated* for their past service. As no other provision is

made for any of them by any of the Governments concerned, But by the Massachusetts, and by them only for a proportion for a Quarter Master, Adjutant General & Secretary, they also making me a Grant for three hundred pounds for my Table, and advanced me four hundred pounds to Encourage me to proceed, before I would Engage, and promised my services should have a future consideration, and as those officers pertain to the whole, I have taken the Freedom to Inclose herewith a Memorial to your Excell^y and the General Assembly for consideration.

I must rely on your Excellency's favour in this affair as you are sensible we ought not to War on our own acc^t, and can't but think your Government will do every thing Honourable towards the support of a Person that you Excellency was pleased to approve of to command their Troops, and flatters himself served to your Excellency's and their acceptance.

I am sorry to give your Excellency this Trouble, but my circumstances are not such as will Admit of losing a years pay. My Business being that of a soldier(1) on which I rely for support of myself and family; this is the case also with the other Staff Officers who with me confide in your Excellencys kind offices.

I am with great truth and regard
Your Excellencys most obedient & most humble Servant, JOHN WINSLOW.

His Excell^y Benning Wentworth, Esq.

General Winslow's Memorial.

[Copied from MS. Corr. Vol. III. p. 91.]

To his Excellency Benning Wentworth, Esq. Captain General & Governor in and over his Majesty's Province of New Hampshire, and vice Admiral of the same, And to the Honble his Majestys Council and House of Representatives of said Province in General Court assembled:—

The Memorial of John Winslow Esqr. General of the Forces raised in 1756, By the Governments of the Massachusetts, Connecticut, New York, New Hampshire and Rhode Island, for the Defence and Protection of his Majesty's Territories from any further Encroachments of the French at Crown Point, and upon the Lake Iroquois, commonly called by the French Champlain, and parts Adjacent, and for removing the Encroachments already made there: As well for himself as for and in behalf of the General Staff Officers Employed in that Expedition,

SHEWS

That they apprehend that the pay Due to them ought to be bore by the several Governments in proportion to the Number of men proposed by them to be raised, and that the Massachusetts settled the pay for some of the Staff officers employed in that Expedition, of which they promised to bare their proportion, as the Quarter Master & Adjutant Generals each Ten pounds pr month, Secretary nine pounds pr month, the rest remained unsettled, and served upon the Faith of the several Governments making them a reasonable reward, among which is your Memorialist, who from the Massachusetts rec^d three hundred pounds for his Table and four hundred pounds in part of pay, and promised that the consideration for his wages or allowance for his service should be afterward considered.

And that your Memorialist was confirmed in the command by the Five Governments and did the Duty of General & Commander in chief during

(1) Gen. JOHN WINSLOW, was of Marshfield, Mass. He had command of the New England Troops in the expedition against Nova Scotia in 1755; and in 1756 he commanded in the expedition against Crown Point. He was an officer of great respectability and influence. He died at Hingham, Mass., in 1774, aged 71.—ED.

the campaign, and that he and the other the General Staff Officers were absolutely necessary to the being of the Army, and equally releated to the several Provinces and Colonys; and for himself and officers aforesaid Humbly submit these matters to your Excellency and Honours wise consideration, not doubting but that you will direct them such as you in your wisdom apprehend is sufficient & Honourable to *retaliate* them for their past importaut services, confiding in this they have done Duty as good officers and soldiers in their respective posts, and to the acceptance of their constituants, and begs that this memorial may have a speedy consideration, and he for himself and officers aforesaid shall ever pray.

JOHN WINSLOW.

Indorsed—"General Winslow's Memorial—1757."

Whereas his Excellency in his Mess[a] of y[e] 18th Instant was pleased to say that the Earle of Loudoun having signified to him that his Majesty's service Demanded a number of small Can non or Connecticutt River for covering the forces and workmen he should employ there the ensuing summer, &c. as mentioned in a vote of this house passed the 23[d] Instant. and Whereas Col[o] Meserve has this Day informed the house, that unless aided by this Province to Defray the charge of transporting said Guns that he must be obliged to leave them, Therefore Voted That when Col[o] Meserve shall certify to his Excellency the Governor that the [p. 240.] six Cannon mentioned in said vote of the 23[d] Inst, be transported to Charlestown on Connecticutt River that he be paid out of money that shall be in the Treasury the sum of sixty two pounds Ten shillings to be emitted by an act that passed this house yesterday, & that the same be in full of any charge this government be at for said Transportation. Sent up by Mr. Stev ens in the afternoon. [Concurred.]

Mr. Speaker adjourned till 3 o'clock

P. M.

Voted, That the Committee appointed (by the act for emitting twenty thousand pounds) to provide necessary stores &c. for the service intended by said Act, be and they are hereby fully impowered to provide all things necessary for promoting and carrying on said service, & to do and transact every affair proper for a Committee to act in Relation thereto, and that when the Bills to be emitted by said act are in the Treasury, such sums thereof & also such sums of sterling money out of sterling money in the Treasury as shall be necessary to purchase and transport y[e] stores where paper money will not answer, be paid to said Committee by his Excellency the Governor's warrant as may be sufficient for the end aforesaid, and cause such necessary stores &c, when provided to be transported as said service shall require, to be delivered to the Commissary, & also that any stores purchased for the late Crown Point Expedition that will be servicable for the present Expedition be delivered to the said Committee & that they give a Re-

ceipt for w^ht^ they shall so Receive to the Comittee of War for the late Crown Point Expedition, & that they render acc^t^ to the general assembly of such sums & stores as they shall Receive.

Sent up by Mr. Knight the 26th Day. [Concurred.]

Voted, That the Rev. Mr. Ezra Carpenter of Swanzey be chaplain of the Troops to be raised in this Governm^t^ this present year, Doc^r^ Ammi Ruhamah Cutter Chirurgeon, Doc^r^ Cheney Smith his assistant, and Mr. George King Commissary of said troops and if all or either of those Gen^t^ should Refuse the office, That the [p. 241.] Com^tee^ of War provide a suitable person in their stead.—Provided the Genl assembly be not then setting, the Comissary to be under the direction of said Committee.

Sent up by Mr. Knight the 26th day before noon. [Concurred.]

Whereas an act passed this house the 24th Instant for granting to his most excellent Majesty the sum of twenty thousand pounds for paying the forces to be raised this present year, and other necessary charges, Therefore

Voted That Ten thousand Pounds blank sheets part of twenty thousand Pounds blank sheets in the Province Box be delivered to the Committee by said act appointed to sign the same & that they give their receipt therefor, and after signing said Bills that they deliver them to the Treasurer taking his receipt therefor. [Concurred.]

Sent up by Mr. Seavey the 25th Inst. before noon.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Saturday Feby 26th 1757.

Met according to adjournment.

Voted that each officer & soldier shall have one month's pay advance to be paid when they shall be ready to march. That the soldiers pay commence from the time of their Inlistment, That each Capt. Lodge a true Muster Roll of his Company in the Sec^ys^ office. Sent up by Clem^t^ March Esq. [Concurred.]

The Petition of the Inhabitants of New Castle praying Liberty for a Lottery to build a Bridge from New Castle to the Ferry Point so called, having been read,

Resolved, That the Petitioners be heard thereon the second day of the sitting of the General Assembly next after the first day of April next, and that the Petitioners at their own cost & charge cause the substance of said petition with this order of Court to be [p. 242.] advertised in the New Hampshire Gazette four weeks successively that any person or persons may appear if they please, & shew cause if any they have why the prayer thereof should not be granted. Sent up by Mr. Seavey. [Concurred.]

Mr. Sec^y^ came Down & Informed the house that 'twas his Ex-

cellencys direction to him to adjourn the general assembly to Wednesday the 9th of March next to Ten o'clock in the forenoon and accordingly in his Majesty's Name we were adjourn'd.

Wednesday March 9th 1757.

Met but not sufficient to make a house: Adjourned till 3 o'clock.

P. M.

Mr. Secy Brot Down his Excellency's Messages both of this Date to the House.

Governor's Messages.

[Copied from MS. Govrs Messages, Vol. II. pp. 433–435.]

Mr. Speaker and
Gentln of the Assembly

It is absolutely necessary and his Majesty's service requires, that the three hundred and fifty men granted for this years service should be Regimented & observing that you had only made provision for the Collls pay, without any allowance for his table, I must therefore desire that you would make a proper grant for the Collonels Table and pay for a Lieut Collonel & Major as the men cannot be sent upon duty unless this provision is made.

I must likewise acquaint you that I think it for the good of the service to make five divisions of the three hundred & fifty men.

Council Chamber B. Wentworth.
March 9th 1757.

Mr. Speaker &
Gentlemen of the Assembly—

Having a duplicate of the Muster Roll of Col. Hart's Compa sworn to in the House, I observe Lieut. Young's wages is advanced to this pay of a Captain. If all the Lieuts. in the service are put on the same footing I shall have no objection to it. I also observe that the Clerk appointed by Colo Hart receives only the pay of a private man, & that another person is entered as Clerk which is stripping the officer of a perquisite that in my opinion neither the Governor, Council or Assembly, have a right to do.

For the above reasons Colo Harts Roll has not been allowed by me, neither can it until these matters are adjusted equitably; and when the House considers the Injurys that may arise to the service by countenancing things of this nature, I am not in the least doubtful but that you will set every thing right, that I may allow the Roll that the men may be paid.

Council Chamber B. Wentworth.
in Portsmouth, March
9th 1757.

Thursday, March 10th 1757.

His Excellencys Speech being read again, Voted That Joseph Smith, Clement March Esqs. and Capt. Thomas Wk Waldron be a Comittee to wait on his Excellency Relats the said messages & Muster Roll of Mr. Young.

[p. 243.] Mr. Sec^y Brot Down another message from his Ex^cy of this Date to both houses, recommend the supply of uniform cloathing for the soldiers for the present year—which was read.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 437.]

Gentlemen of the
Council & of the Assembly,

The uniform Cloathing in a Regiment is almost as necessary as uniformity in discipline as it distinguishes the troops from common laborers & artificers, and may be a means in some measure to prevent desertions, & if a method can be agreed upon, to effect a thing so expedient for the service, it will be agreeable to the Earl of Loudoun that such a provision should be made.

B. WENTWORTH.

Council Chamber in
Portsmouth, March 10,
1757.

Mr. Speaker adjourned till 3 o'clock

P. M.

The Muster Roll of Joseph Young under Col^o Hart was again resum'd and sundry Debates thereon.

Resolved, That there be no alteration.

Voted That Capt. Thom^s W^k Waldron, Clem^t March Esq. and And^w Clarkson be a Comittee to prepare an Answer to his Excellency's message of ye 9th & 10th Instant, Relating said Roll &c.

Voted That there be allowed to the Col^o of the three hundred and fifty men to be Raised by Act of Government for the Defence of his Majesty's Colonys and annoyance of his Enemies *be allowed* Twenty Pounds pr month for his Table while in the service. Sent up by Mr. Seavey. [Concurred.]

[p. 244.] Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Fryday March 11th 1757.

Met according to adjournm^t.

Vote on Lieut Young's Muster Roll.

Whereas his Excellency the Governor does not incline to pass this Muster Roll unless Theodore Libbey be entered in it as clerk to said Company and have pay accordingly, In order that the soldiers in said Roll may be paid, Voted That s^d Theodore Libbey be entered as Clerk and the sum of five pounds fourteen shillings & five pence be added to his wages as carried off in the Muster Roll. Sent up by the Clerk. [Concurred.]

Messrs Giddings & Jones desired to enter their desents to the above vote, which was granted.

Mr. Speaker adjourned till 3 o'clock

P. M.

Voted That the following answer be sent to his Excellency in Answer to his Excellency's Messages of the 9th & 10th Instant.

May it please your Excellency—

The house having considered your Excelleneys Messages of the 9th & 10th Instant beg leave to say that in consequence of one of them, we have made a grant of Twenty pounds pr month for the table of the officer who is to comand in chief the three hundred fifty men: That regimenting the [P. 245.] said men & granting pay for a Lieut. Col. and Major with making five Divisions of them appears to us in a light different from what your Excellency has been pleased to sett it, for *May it please your Excellency*, Lord Loudoun says to the Governors & Commissioners of New England who had opportunity of waiting on him when at Boston, "It "is most agreeable to his Majesty's directions to me and to my sentimts "in the present situation of our affairs that the forces should be raised "in company's of one hundred men each including four Commissioned "officers or as near to that number as the whole that may be furnished "by any particular Colony will admit. Besides the officers to each Com-"pany I desire there may be an officer to command from each Colony who "may convey such orders as he shall receive from me to all the Troops "of such Colony."

All which we apprehend our votes already passed have fully attended to & therefore humbly hope your Excellency will excuse us from your proposed grant as it will increase the number of officers a Quarter and greatly inhance the charge also.

In Another message your Excellency is pleased to say, "I observe Lt. "Young's wages is advanced to the pay of a Capt. If all the Lieuts in "the service are put on the same footing I shall have no objection to it."

We pray your Excellency to have no objection to it as it stands, for it did and does appear to this house that Lieut. Young did extraordinary service, and therefore we think makeing him such allowance is without injury to others of his rank, or to any future service.

Again your Excellency says—"I also observe that the Clerk appointed "by Colo Hart receives only the pay of a private man, & that another "person is entered as Clerk which is striping" &c.

On which we crave leave to notice that Mr. Hart permitting another [P. 246.] person to do the duty of a Clerk appears to us an implied appointment of him, and in that case the strip must be from him in Equity rather than the other; however to avoid any further Dispute we have allowed him Clerks pay and pray your Excellcy will be pleased to assent to the Roll as it now stands, which will give the soldiers therein an opportunity to receive their pay and incourage them to further service when needed.

Your Excellencys message of yesterday's Date Relative to a uniform cloathing for the men is quite agreeable to our sentiments, but when we consider that the Governmt has already in hand a sufficiency of cloaths (some few articles excepted) for that service, and also the almost impossibility of procurg cloath of fit colour (were not that the case) we trust a Disposition of that matter will be agreeable to your Excellency.

Sent by Messrs Gidding & Moulton to his Excellency.

Voted, That Capt Thomas Wk Waldron & Andrew Clarkson be a Committee to prepare An Answer to his Excellency's Messa of the 25th of Feby, & lay the same before the house as soon as may be.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Saturday, March 12th 1757.

Met according to adjournmt.

An Act to enable the select men of Chester to Assess the Polls & Estates in said town the sum of £203 : 2*s* for an omission in the last years Taxes, being read three times & two adjournments

Voted, That it pass to be enacted. Sent up by Eleazr Russell, Esq. [Concurred.]

[p. 247.] Voted, that the following Answer be sent to his Excellency in answer to his Excellency's message of the 25 Feby.

May it please your Excellency—

Having given your Excellencys message of the 25th of Feby a mature consideration together with Mr. West's & Gen. Winslow's letter and other papers accompanying them, take leave to say relative to the former, that altho it appears an early call for the money lent the Province by the King's General, yet we are ready to pay the exactest obedience thereto in the proposed manner, when evidences of our Power so to do are with us, which we hope your Excy can direct to. As to Genl Winslows letter & papers We are, *May it please your Excellency*, of opinion that no regard to us thereon can fairly be founded, for this Province upon an equal adjustment of the whole Crown Point charge (needless now to mention) must have considerable Ballance in their favour if impartial Accounts thereof by disinterestsd persons be taken either from the riches or numbers of the concerned, which if the worthy Genl Winslow had known the trouble of a fruitless application might have been saved him.

May it please your Excellency, We are of opinion that Exparte appointments ought to receive exparte payments even an Equivalent for their services which we understand one of the Colonies from which those officers were appointed has done, and doubt not but the other soon will. Moreover we have taken so great a part on ourselves allready we must say (& hope satisfactorily to the concerned) we cannot be at further charge on the Crown Point affair.

[p. 248.] Monday March 14th, 1757, P. M.

Mr. Secy Brot Down his Excellency's message to this house, of this date.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. II. p. 445.]

Mr. Speaker & Gentlemen
of the Assembly.

All the papers that Relate to the proportion assigned this Government of the £115,000 Sterling granted by Parliament to the Governments concerned in the Crown Point Expedition, have long since been laid before you, and are now I suppose in the Secretary's office, as intended them for office papers. If you have occasion to make any further use of them, they are easily obtained, returning them again.

Altho the money was to be delivered to me in Council, and then to be placed in the Treasury until it was disposed of by an act of Government for public uses, yet Messieurs Hanbury & Thomlinson did not send a separate bill of Ladeing, as I think ought to have been done, but consigned

the money for all the Colonys to their agents Charles Apthorp Esq. & Son, ordering those Gentlemen to deliver the respective ballances to each Government.

And as the whole money arrived, and was delivered to Sr Charles Hardy at New York, it is requisite that a resolve pass both Houses to enable the Treasurer to take notes & obligations from Mr. Apthorp & Son for paying the ballance due to this Province at Boston, deducting three thousand pounds which he is to pay Mr. Shirley's Agents taking a full discharge for the same.

A resolve must also pass both Houses for my order to deliver the money placed by Capt. Cornish in the hands of Sr Charles Hardy belonging to this Province, to Charles Apthorp Esq. & Son.

This is all that I am apprehensive is necessary to be done, & which I should have ordered long since, had there not been notes or obligations in the case, which I chose the Legislature should be concerned in transacting.

As Public money cannot be too safely placed, I have mentioned Charles Apthorp, Esq. & Son for the Treasurer to transact this affair with, against whom I presume there cannot be the lest objection, and who I am told will do it on the same terms that they did it with the Government of the Massachusetts.

B. Wentworth.

Council Chamber in
Portsmouth, March the 14th 1757.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Tuesday, March 15th 1757.

Met according to adjournment.

[p. 249.] Mr. Secy Brot Down his Excellencys Messa of this date, and the petition of Samuel Gerrish.

The Messa was read.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. II, p. 447.]

Mr. Speaker and Gentlemen of the Assembly.

I have had under my consideration your messages relative to deserters, and think it will be highly injurious to his Majesty's service to omit apprehending them respectively; for which purpose I have confer'd with the King's attorney several times, and find that a resolve of the House is necessary to assure the officers that the expence attending such prosecution shall be defrayed in a short & easy way, and as I have no officer to call upon for an exact list of the deserters, it is requisite that such a List be made out and delivered into the Secretary's office.

It being my intention that the Muster Master I shall appoint to muster the forces raised for this years service shall be very exact, & as charges will arise in Executing the trust I must desire that you make proper provision for his time and expences.

As the safety of the Province demands that a number of effective men not exceeding Fifty should be inlisted or Impressed for his Majesty's Fort William & Mary, under proper officers, ten of which are to do constant duty at Said Fort, the other Forty are to be in readiness to appear there, at an hour's warning, upon the signals I shall order; none to receive pay & subsistance unless they do duty, and to continue in the service from the 10th of

April to the 25th of September following and no longer unless there should be a necessity for it. A number of Laburers will also be wanting, and I recommend to your consideration in what manner they can be best raised.

The excuse you make in your message of the 11th Instant, to my message of the 10th Relative to the Field officers & pay for officers in a fifth Company, is, that it will increase the charge. If our mother country had acted on the same principles, what would have been the state of the Northern Colonys at this day; to carry on the war with propriety, expences are out of the question, but if saveings to a government can be made in any other way, they ought strictly to be attended to.

I shall only further observe to you that what I proposed in my message of the 10th I think was very necessary, more especially as I have, at the Instance of the Earl of Loudoun, appointed Coll° Meserve returning officer, for which reason he will be excused from going on any detachment & unless you make provision for the officers of a Fifth company, a greater number of the returning officers who have truly served in past campaigns will be shut out, or obliged to go as private men,

B. Wentworth.

Council Chamber in
Portsmouth, March the 15th
1757.

Wednesday March 16th 1757.

Voted, That Mr. Thoms Wk Waldron, Col° Peter Gilman, Joseph Smith, Clement March, Thoms Bell Esq. be a Comittee to wait on his Excellency to confer on that part of his Messa of the 15th Inst. Relating the Fort.

P. M.

[p. 250.] Whereas his Excellency in his message of the 9th Instant to this house is pleased to say, "It is absolutely Necessary that the 350 men granted for this years service should be Regimented," and to enforce the same in his message of the 15th instant, Therefore

Voted, That if his Excellency thinks proper to appoint a Lt. Coll. & Major over the said three hundred & fifty men & to give each of them the Comand of a Company, that the Lt. Col° be allowed thirty five pounds and the Major twenty six pounds pr month and that there be but two Captains besides over the said three hundred & fifty men. Sent up by Mr. Seavey. [Concurred.]

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Thursday March 17th, 1757.

Met according to adjournment.

Voted That the Treasurer pay no Louisbourg or Canady money out of the Treasury, but that all payments out of the Treasury be made in the Bills of the Last Emission, That if the money pro-

vided for paym^{t} of the soldiers in the Crown point Expedition last year should prove insufficient, that the Treasurer finish the payments of the muster Rolls out of any bills of the Crown point [p. 251.] Emission that may be in the Treasury till further provision can be made.

Sent up by Mr. Knight.

The acct of charges of Major Goffe's & Mr. Matthew Patten taking a view of Fort Dummer, viz.

1749. Province of New Hamp^{r}, to John Goffe & Matthew Patten	Dr.
Matthew Patten, 21 days 10*s*.	£10 : 10.
Major Goffe 21 days 9*s*.	9 : 9.
Patten, Acc^{t} of Expences	7 : 2 : 6
Major Goffe's Do	3 : 13 : 7
Horse hire for both,	10 :
	£40 : 15 : 1

Voted, That there be allowed Forty Pounds fifteen shillings & one penny in full for the above acc^{t}. to be paid out of money in the Treasury by the Province Tax for supply of government.

[p. 252.] Province of New Hamp^{r} } In the House of Representatives, March 17, 1757.

Whereas Daniel Peirce Esq. Recorder of Deeds for this Province has Represented to this house that the fees for Recording & Copying are not an adequate allowance for the same, therefore,

Voted, That the fee for Recording Deeds and conveyances be raised three pence pr. Page more than it now is, and that he be allowed to take fifteen pence pr page instead of the twelve pence settled by vote of the Genl Assembly Jany 12th 1757. Sent up by Mr. Clerk. [Concurred.]

Voted That Joseph Smith Esq. Capt. Thom^{s} W^{k} Waldron, Messrs Giddings, Jones, Clerk, French Wm. Moulton, Hale, Bachelder & Clarkson be a Committee of this house to Repair to the Fort, view the same and make Report to the Genl Assembly immediately what may be proper and necessary to be done at this present conjuncture of affairs.

[p. 253.] Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Fryday, March 18th 1757.

Met according to adjournment.

The Committee appointed yesterday to view the Fort, went Down this forenoon, and a number of the Members went to view the Brick house in order to see if it would do for a Provincial House, &c.

Province of New Hampshire, March 18th 1757.

In the House of Representatives

Upon a motion in behalf of the Admrs of the Estate of Richard Hazzen, Deceased, Representing that in Sept. 1755, An act was past to enable the Court of Appeals to sustain and adjudge an appeal made by the said Richard to said Court but Discontinued, in which John Webster and Edmund Sawyer were Appellees & the said Admrs were by said act to serve the said Appellees with a copy of said Act at least fourteen Days before the day of the sitting of said Court of Appeals, but the time so limited was past before the said Admrs knew that the said act had laid such an injunction on them: and therefore that as the time of serving the adverse Parties who had been privy to the whole proceedings was merely circumstantial, a Resolve of the General Assembly might be past that such service being made at any time fourteen days before the next sitting of said Court of Appeals should be adjudged valid & effectual to all intents as if the same had been done within the time at first Designed:

Therefore Resolved, & Voted that it shall be adjudged and taken to be as good, valid and effectual to all Intents & purposes if the said Admrs shall serve the said Webster & Sawyer with a copy of said act fourteen days before the second Tuesday of May next, being the beginning of the next term of said Court as if the same had been done at or within the time appointed by said Act.

Sent up pr Capt. Hale.

Henry Sherburne, Speaker.

Mr. Speaker adjourned till 3 o'clock

P. M.

[p. 254.] Whereas Nathl Sinclair is charged with a stand of the King's arms in the Roll of Lt. Harts company in the late Crown point Expedition, which stand of arms was received by Theodore Libby who ought to be answerable for the same,

Therefore Voted, That the said Libby account with the Treasurer therefor, and that said Sinclair receive his full wages, the charge in said Roll notwithstanding.

Sent up by Capt. Chamberlain.

Voted That Messrs Jones, Waldron, Smith, Chamberlain, French, Moulton, & Knight be a Committee of this House to view the Brick house & make Report Immediately, What condition the said House is in, & what the same may be worth now. [Concurred.]

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Saturday March 19th 1757.

Met according to adjournment.

Voted, That if the owners of the brick House and Land late the estate of the Honble Archibald McPhaedris Esq. (1) will sell the said house and so much of the land thereto belonging as was proposed to a Comittee of the General Court in April 1754 for the sum of two thousand Pounds & a good title can be made thereto That the same be purchased for a Provincial house and that Andrew Clarkson & Mr. John Knight jun. be a Comittee of this house to joyn with such as may be appointed by the Honble Council fully authorized & Impowered to treat with the owners thereof, and also to make inquiry into the title thereof, and report to the General Asssembly as soon as may be, & that if the house & land may be had for the sum above mentioned that a tax on the Poll & Estates be issued by the Treasurer in Moietys on the years 1757 & 1758 to be paid into the Treasury by the 25th day of December in each year according to the proportion that shall then be in force, and that the said sums be applied to the use aforesaid. Sent up by Mr. Clerk.

Mr. Speaker adjourned till 10 o'clock Monday next.

[p. 255.] Monday March 21st 1757. p. m.

Met according to adjournment.

Mr. Sec^y Brot Down in the forenoon his Excellency's Mess^a to the house of this Date, which was then read, and read again this afternoon.

Governor's Message.

[Copied from MS. Gov^rs messages, Vol. II. p. 453.]

Mr. Speaker &
Gentlemen of the Assembly

Notwithstanding the early precaution I took to prevent a greater number of men being inlisted than your Grant intended I find the returns of

(1) "*The brick House.*"

Brewster, in "*Rambles about Portsmouth,*" p. 138, 1859, says, "Among the great variety of structures in and about our city, is one which is deserving of some prominence. It is the oldest brick house in the city, which at the time of its building was scarcely surpassed by any private residence in New England. The mansion to which we refer is (now) called the Warner house. It is situated at the corner of Daniel and Chapel Streets, is at present owned and occupied by Col. John N. Sherburne, and is apparently as sound, fresh and in as good repair as though it had been erected within twenty years.

Capt Archibald Macpheadris, the projector, and builder of this mansion, was a native of Scotland, a member of the King's Council, and an opulent merchant. The work was commenced in 1718, and finished in 1723, at an expense of £6,000. The massive walls, eighteen inches thick, are of brick, which with some of the other building materials were brought from Holland. Hewn stone at that time was not in use. The brick work commences on the rough cellar walls. It is three stories in height—the third story has a gambrel roof and luthern windows. The stories are very high for the style of the time in which it was built, the whole height of the building being about fifty feet."—Ed.

the recruiting officers amount to five hundred & five men. I think it proper to acquaint the House of the excess that proper measures may be concerted, in what manner the Supernumerys may be discharged, without injury to his Majesty's service in future Levys; And I think it cannot be done with too much caution.

By a letter I received yesterday from New York of the 12th Instant, wrote by Lord Loudoun's order I am desired to assemble the force raised in this Government as soon as possible, & to march them immediately to Charlestown—the men are to be provided with Camp Equipage, & it is expected that the Government procures carriages to transport them to Connecticut River, at a reasonable rate, and Lord Loudoun will issue Warrants for the payment thereof. Warrants also will be made out for the payment of two shillings sterling pr week for the allowance made by Lord Loudoun to each man in lieu of provisions, until they receive the Kings provisions, but this allowance is not to take place until the first muster, by which you will see the necessity of an Immediate muster.

Council Chamber B. WENTWORTH.
in Portsmouth, March 21, 1757.

Thomas Bell Esq. Mr. Amos Seavey & Andrew Clarkson be a Comittee to waite on his Excellency Relating his Messa of this date.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Tuesday March 22d 1757, P. M.

Mr. Secy Brot Down his Excellencys Message of this date to the house (in the forenoon) which was read then, tho' no house, and was again read this afternoon.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. II. p. 455.]

Mr. Speaker &
Gentlemen of the Assembly.

The Earl of Loudoun having detached Collo Meserve with his Company of Artificers to Long Island & Capt. Sheppard with his Company is to follow, as soon as he arrives on Connecticut River,—upon this Diversion you will find it necessary to make provision for the Field Officers I have heretofore recommended. Captain Titcomb instead of proceeding to Connecticut, is to march by land to Rhoad Island, and from thence to go by water to joyn Collo Meserve at Long Island, and as some Carriages & Expences *with* attend this Rout I must desire you to make the needful provision therefor in the Treasury, which my Lord Loudoun will no doubt reimburse as soon as the charge is known.

Council Chamber B. WENTWORTH.
in Portsmouth, March 22d, 1757.

Voted That Capt. Thoms Wk Waldron, & Andrew Clarkson be a Committee to prepare an answer to his Excellencys Messages of the 15th, 21st and 22d Instant and lay the same before the house as soon as may be.

This afternoon taken up in confering about his Excellencys said Messages.

This being a stormy day (of snow) onely thirteen members in the afternoon & but eleven in the forenoon.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

[P. 256.] Wednesday March 23d 1757.

Met according to adjournment. Not a sufficient number to make a house (the storm having encreased more violent) Mr. Secy came down and adjourned till 3 o'clock,

P. M.

This afternoon being just a house, the Committee appointed the 22d Instant to prepare an Answer to his Excellency's messages of ye 15th 21st & 22d Inst. were preparing the same.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Thursday, March 24th 1757.

The Committee appointed ye 17th Inst. to view Fort Wm & Mary, & the Batteries on New Castle and to make Report, made their Report this forenoon which was read, & is on file.(1)

Voted That his Excellency the Govr be desired to give orders for the Inlisting or Impressing Twenty-five good effective men to be posted at his Majestys Fort Wm & Mary from the 10th of [P. 257.] April till the 25th of Sept next to be employed in Labouring, watching, Warding and Exercising the Great Artillery as his Excellency the Governor shall order, that each man be allowed five pounds pr. month wages, to be paid when the Muster Roll shall be made up and allowed by the General Assembly, That Provision be made by Thomas Bell Esq. for Billeting them that he supply them with the usual quantity of meat, bread and pease, and one gill of rum pr day, & be allowed two shillings & six pence pr Day for each man so supply'd; & further Voted that his Excellency the Govr be desired to give orders yt the Independent Companys of New Castle & Rye be in constant rediness immediately to repair to his Majesty's said Fort on such signalls as he shall think proper to appoint, that Mr. Bell Receive money out of the Treasury to enable him to provide for the Billeting the aforesaid men. [Concurred.]

Whereas it appears to this house that it will be of advantage to

(1) This Report cannot be found, but probably the substance of it is embraced in the vote which follows.—Ed.

have some Repairs made to the Carriages & platforms for the guns at the Fort & Batterys at New Castle, therefore

Voted, That Thom^{s} Bell Esq. and Capt. Thomas W^{k} Waldron be a Comittee of this house to joyn with such as may be appointed by ye Honble Council immediately to get a number, not exceeding twelve, new Carriages made as they shall think needfull & Repair such of the old ones as shall appear to be repairable, and also to provide Plank & other Timber for repairing all the Platforms and cause the same to be repaired in a proper manner, and that the charge thereof be paid out of money that is or may be in the Treasury, and that they be supplyed with a proper sum for carrying on the work and lay their acc^{ts} before the Genl Assembly as soon as may be. Sent up by Mr. Moulton.

Mr. Speaker adjourned till 3 o'clock,

P. M.

[p. 267.(1)] Voted, That the following Answer be sent to his Excellency in answer to his Messages of the 15th, 21st & 22^{d} Instant.

We have considered your Excellencys Messages of the 15th 21st & 22^{d} Instant, and hope our sentiments thereon will be agreeable to your Excellency as well as our Constituants interest, Take leave to say y^{t} if the Deserters from the late service meet not with condign punishment we think his Majesty's service will be highly injured thereby, on many acc^{ts} but especially as it will leave room for acts of the like kind at this critical season, yet we must say it appears to us that the province Law is full to the point and officers therein provided for puting it in execution, the Rolls being Lodged in the Sec^{ys} office, We pray your Excellency to order a proper List of Deserters to be made out. All persons who have acted as Muster Masters in the late Expeditions have had from the Governm^{t} adequate pay for that service and hope your Excellency does not Doubt that being the case in future. What your Excell^{y} is pleased to say of Fort Wm & Mary we are dilligently attending to, and hope soon to come to some Resolve thereon. If your Excellency's opinion in matters of war militate with ours we hope to be forgiven, nevertheless we have so far complyed therewith as to make a grant for the Pay of Lieut. Col^{o} & Major to the forces for this present year. Your Excellency is Pleased to say, "Notwithstanding the early precaution I took to prevent a greater number of men being inlisted than your grant" &c. We presume ye excess therein will not prove detrimental to the Governm^{t} if proper precautions be given to the Muster Masters, & Pray your Excellency to order the recruiting officers to settle their acc^{ts} with the Comittee of war before they march. As to the mens being provided with Camp Equipage we never doubted but Lord Loudoun would provide them it, and every other conveniency allowed the British Troops, except what he asked of the Government which was to raise and pay the men & furnish a surgeon & Drugs, and in the last article he was even so gracious as to say in difficult cases he should admit them to hospitals, and on that foundation we assure your Excell^{y} it was that we consented to raise a number so vastly beyond our Quota. If carriages should be necessary as your Excellency is pleased to say that Lord Loudoun will issue Warrants for the paying for

(1) Pages 258-266 contain tables of attendance of Members, and are omitted.—Ed.

them, we humbly conceive that it may be best that they should be impressed, and the warrants made payable to the owners, and as we presume the Comittee must send a vessell for the cloathing and stores left at Albany, that vessell may carry any baggage that your Excellency may think proper to order to Long Island.

Tuesday March 29th 1757.

Province of N. Hampr } In the House of Representatives, March 29th 1757.

Members present

Henry Sherburne, jun Esq.
Eleazer Russell, Esq.
Capt. Thoms Wk Waldron
Deacon Josiah Batchelder
Thoms Bell Esq.
Mr. Amos Seavey,
Mr. Thomas Wiggin
Mr. John Knight jun.
Mr. Robert Clerk
Capt. Thomas Hale
Capt. John Chamberlain
Mr. Saml French
Andrew Clarkson.

The house took under consideration the wages of the chirurgeon, & his Mate for this present year and Voted unanimously the Chirurgeon's Wages to be Twenty Eight pounds two shillings & six pence pr month, and Eighteen pounds pr month for his Assistant.

N. B. Onely Mr. Wiggins against the surgeon's mate having so much.

This vote is not entered in the Book, nor sent up to Council Board, because there is not so full a house to-day, as when the wages for all officers &c. was settled.

[The above on a separate leaf of the Record.—Ed.]

Wednesday, March 30th 1757, p. m.

[p. 270.] Whereas this house are Informed that Chs Apthorp Esq. & Son to whom the Parliamentary grant was assigned have proposed to take to their own Acct the sum of four thousand six hundred and Thirty nine pounds nine shillings & seven pence sterling now Lodged at New York for the accompt of this Government, and in consideration thereof to become engaged to pay the same in Boston in Spanish milled dollars on Demand:

Resolved, That the Treasurer be authorized and directed to take Messrs Apthorp obligation as afforesaid and upon Receivg the same, as also upon Receiving his own obligation given to his Excellency Governor Shirley for the sum of three thousand pounds sterling borrowed of him, that the Treasurer be further authorized and di-

rected to give a proper Discharge for the sum of seven thousand six hundred thirty nine pounds nine shillings and seven pence ster^g which was brought to New York by Capt. Cornish in his Majesty's ship Sterling Castle for acc^t of this Government.

Sent up by Mr. French. [Concurred.]

Whereas by an Act Pass'd the 3^d of April 1742, Intitled an Act for granting unto his Majesty the sum of two hundred & fifty pounds proclamation money or in Bills of Credit on this Prov- [p. 271.] ince Equivalent thereunto, towards the support of his Governor here there was granted to his Majesty toward the support of his Excellency the Governor the sum of Two hundred & fifty pounds proclamation money or in silver at six shillings & eight pence pr ounce or in Gold in Proportion or in such sums of Bills of Credit on this Province as shall be equal thereunto to be paid yearly & every year during the time that his Excellency shall be Governor in and over this Province, which sums by the aforesaid in part recited act was to be paid out of the Excise money in the Treasury, and if that should not be sufficient to pay the same, that it should be made up out of the Treasury.

And whereas his Excellency hath not received the said two hundred & fifty pounds pr annum for the two last years Ending the 12th Day of December last and the money Brought in for the Excise now Laying in the Treasury in Paper Bills of other Provinces not Esteem'd of equal value with the Bills on the Credit of this Province—and whereas by one after act Past in this Province the 14th of April 1756 Intitled an Act for granting unto his most Excellent Majesty the sum of Thirty Thousand Pounds for the promoting & carrying on an Expedition to Crown Point, amongst other things 'tis Enacted that whatever sum his Most Excellent Majesty shall be graciously Pleased to pay towards the said Expedition shall be put into the Treasury and Lye there for a Fund for the sinking so much of the said sum of Thirty Thousand pounds by said Act Emitted as the same will answer for, as the General Assembly shall hereafter order & Determine.

And whereas his Majesty has been Pleased to allot to this Province the sum of Eight Thousand pounds sterling Part of the Grant of one hundred and fifteen Thousand pounds made by the house of Commons to his Majesty to be distributed to his Colonies of New England, New York & New Jersey in such proportion as his Majesty should think fit as a free gift and Reward for their past services and an Encouragement to them to continue to exert themselves with vigour in defence of his Majesty's just Rights & Possessions, and which said sum of Eight thousand Pounds sterling was ship'd by Messrs Thomlinson & Hanbury in his Majesty's ship of war the Sterling Castle, Capt. Cornish Commander, to New York Part of which sum is now in the Treasury of this Province:

Wherefore Voted, That there be paid unto his Excellency the Governor out of the said sterling money in silver or Gold or Bills

of Exchange the sum of three hundred & seventy-five pounds sterling in full for that part of his Excellency's salary which by the aforesaid Act was to be paid in Proclamation money to the s^{d} 12th Day of December last & that the sum of one thousand Eight hundred & seventy five pounds being produced by the Excise afores^{d} for the years 1755 & 1756, that now lyes in the Treasury as afores^{d} be Exchanged for that sum of the Bills Emitted for the Crown point Expedition, which Bills when so Exchanged shall be Burnt to ashes in the Presence of the General Assembly, & sink so much of s^{d} Bills Emitted as afores^{d} & by the afores^{d} act is to be paid into ye Treasury by the 25th Decr in the year 1761, and y^{t} ye Treasurer for the time being issue his warrants for so much less in y^{t} year than in and by ye s^{d} act he is directed to do. Sent up by Messrs Russell & Richardson the 31st day. [Concurred.]

[p. 272.] Voted That there be allowed to the Honble Theodore Atkinson Esq. for his service as Sec^{y} the year 1756 to the first day of Jany last, one hundred and seventy-five pounds (new Tenor) to be paid out of money in the Treasury by the Province Tax the last year for support of Government.(a)

Sent up by Messrs Russell & Richardson, the 31st day.

(a) Jour. Coun. & Assem. Mar. 31, 1757. [Votes of allowance were concurred as follows.]

Daniel Pierce, Recorder for Books & Papers for his office	£41 : 5 : 0
Sheriff Packer for service the year 1756	12 : 0 : 0
Mr. Russell's acc^{t} for stationery for Genl Assem.	6 : 3 : 0
Door-keeper Acreman's acc^{t}, for the year, 1756	30 : 0 : 0
Rev. Mr. Haven for praying with the Genl. Assembly, 1756,	7 : 10 : 0
Rev. Mr. Langdon— Do. Do	7 : 10 : 0
Matthew Livermore, Attor. Genl.	40 : 0 : 0
Andrew Clarkson, Clerk of the House,	44 : 0 : 0
Theo. Atkinson, Sec^{y} of Council, Salary & extra services,	175 : 0 : 0
Governor's Postage,	37 : 2 : 0
Committee for signing Paper money issued	185 : 16 : 0

[p. 275.] Province of New Hamp^{r}. March 31, 1757.

The Comittee Appointed for Signing y^{e} Sums herein after mentioned Beg Leave to make the following report viz That they have rec'd from the Impressing Committee of the £30,000 Emitted by Act of 14th April 1756 the following Sheets Viz 4870 off of the great Plate at £5 : 15 = £28002 :10
Also 1928 off of the Small Do. at 1 : — : 9 2000 : 6

30002 : 16

The Ball^{nce} or Surplus of £2 : 16 : burnt by order of & in Presents of the General Assembly

The s^{d} Sum of £30000 Put in to the Treasury & the Treasurers rec^{t} herewith Exhibited therefor—

Also that agreeable to Vote and Act of the s^{d} 14th of April 1756 they have taken out of the Province box 1000 Sheets of the Great Plate & Signed the Same & have also Delivered the Sum of £5750 the am^{t} of said sheets into the Treasury as pr his rec^{t} herewith also Exhibited—

Also that agreeable to the £20,000 Act Pass^{d} this Session we have taken

out of the Province Box & Signed the same & Delivered the same to the Treasurer as per his rec^{t} am^{o} to £10,000

The remainder in the hands of the Committee to be put in to the Treasury with the other £10,000 pr s^{d} Act to be Emitted & for which they are Accountable, the Number of sheets taken out of the box for this Article being 1740 off of the great Plate which at £5 : 15 : is £10,005 : — — So that the remainder in the Committees hands, is £5 : — — as above——

In Behalf of the above s^{d} Committee
Theodore Atkinson.

In Council, April 2^{d} 1757.
Read and ordered to be sent
down to the Honble Assembly
Theodore Atkinson, Sec^{y}.

In the House of Representatives April 2^{d} 1757 This Report being read,

Voted, That it be accepted & sent up for concurrence.

A. C. Clerk.

Province of } May 17th 1756. Rec^{d} of the Honble Theodore Atkinson,
New Hamp^{r} } Esq. and others for signing £5750 five thousand seven hundred & fifty Pounds in Bills of Credit for Crown point Expedition.

Pr. Geo: Jaffrey, Treas^{r}.

[p. 276.] Province of } Augt 19, 1756, Rec^{d} of the Honble Theodore At-
New Hamp^{r} } kinson Esq. & others a Comittee for signing £30,000 Bills of Credit for Crown Point Expedition Thirty Thousand Pounds in said Bills of Credit.

£30,000. pr. Geo: Jaffrey, Treasurer.

Province of } March 26th 1757, Rec^{d} of Theodore Atkinson Esq. and others
New Hamp^{r} } a Comittee for signing Bills of Credit for carrying on an Expedition against his Majesty's Enemies in North America the present year, Ten thousand pounds in Bills of Credit.

£10,000. Pr. Geo: Jaffrey Treasurer.

The Comittees acc^{t} for signing £45,750, am^{t} to £185 : 16, being read,

Voted That the said acc^{t} amounting to one hundred & Eighty five pounds sixteen shillings be allowed & paid out of money in the Treasury for the Crown Point Expedition.

All the foregoing Reports &c. sent up by Col^{o} Smith.

Mr. Sec^{y} Brot down the Resolve of this house of ye 18th of March 1757, with the following Minutes.

In Council, March 30th 1757.

The foregoing Vote read & concurred with the following amendment, viz. That the above mentioned Adm^{rs} pay to the abovementioned Webster & Sawyer the Legal cost they have been at in Defending the suits referred to as far as the same has been carryed on, and that the said administrators Enter the Action at the Court of Appeals De novo, and in case the said administrators shall not pay the costs as afores^{d}, the said Webster & Sawyer may have their writs of Execution as tho' this Resolve had not passed but not otherways.

Theodore Atkinson, Sec^{y}.

The above amendm^t being read & concurred. Sent up by Mr. Knight.

[p. 277.] Voted That the Treasurer send out his Warrants for collecting the Province Tax for the currant year, which may be paid in Species agreeable to the Prices fixed & set to the following articles:

Good Merch^a well dressed Hemp of ye growth of this Province,		pr pound	£0:	2:	6
Good Merch^a well dressed Flax	ditto.	pr ditto.		1:	6
Winter & first fair Isle of Sable merch^a Codfish		pr Quintal,	2:	10:	0
Barr Iron		pr hundred	4:		
Rye, the growth of this Province		pr bush^l		8:	
Winter wheat	ditto	pr ditto	1:		
Barley	ditto	pr ditto		7:	
Peas	ditto	pr ditto		12:	
Indian Corn	ditto	pr ditto		7:	
Pork	ditto	pr pound		0:	9
Beaf	ditto	pr ditto		0:	4
Merch^a White pine Joyst		pr thousand	2:	10	
Merch^a white pine Boards		pr ditto	3:		
Merch^a White oak 2 inch Plank		pr ditto	10:		
Bees wax		pr pound		0:	3
Pitch		pr barrel	2:		
Tar		pr ditto	1:	10	
Turpentine		pr ditto	2:	10	
Bay Berry wax		pr pound	0:	2	
Tanned Sole Leather		pr pound	0:	2:	6

Sent up by Mr. Seavey. [Concurred.]

Mr. Sec^y Brot Down his Excellency's message to the Assembly of this date which was read & is on file.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 469.]

Mr. Speaker & Gentlemen
of the Assembly.

I have directed the Secretary to lay before you the two last accounts of my postage which, together with the years preceding to the 12th of December 1741 should have long since been repaid me, and for the future, I must desire that the Treasurer may be enabled annually to pay off all postage of Public letters, it being a contingency unprovided for, and you must be sensible that in the slender provision made for my support, it never could be intended that that expense should be born by me.

Among the grants made on this session, I cannot find that you have provided in any manner for that part of my salary which was payable from the Interest of the £25,000 loan, nor for House rent for two years past to the 12th of June next.

It is very disagreeable to me even to put you in mind of these neglects, So I persuade myself you will give no future occasions for them.

B. Wentworth.

Council Chamber in
Portsmouth, 2 April, 1757.

Mr. Sec^y came down & said 'twas his Excellency's orders to him to acquaint he had adjourned the General Assembly till Tuesday

the 26th Inst. to 10 o'clock in the forenoon and then to meet again at this place, and accordingly said in his Majesty's name we were adjourned.

Mr. Secy said likewise that his Excellency desired the attendance of all the members then.

After this Begins a new Journal of ye house of Representatives. (1)

(1) The Journals of the House of Representatives were kept on sheets of paper sewed together, which were lodged in the Secretary's office, and afterwards bound in volumes. The paging is according to the bound volumes in Secretary's office.—Ed.

[p. 281.] Anno Regni Regis Georgii Secundi Magnæ Brittaniæ, Franciæ et Hiberniæ, Vicessimo Nono Annoque Domini 1757.

A Journal of the House of Representatives.

At a General Assembly of his Majesty's Province of New Hampshire began & held at Portsmouth in said Province on the fourth Thursday of October being the Twenty-third of said month, 1755, and continued by Prorogations & adjournments till this Twenty sixth day of April being the Fourth Tuesday of said month, annoque Domini 1757, and in ye 30th year of ye Reign.

Tuesday, April 26th 1757, 10 o'clock before noon A number of the members met but not enough to make a house.(a)

(a) Joun. Coun. & Assem. Ap. 26, 1757. His Excellency proposed to the Council the appointing Fryday the 6th of May next to be kept as a Day of Fasting & Prayer thro'out this Province & asked the Council if they advised thereto. To which the Council did consent and agree.

[Adjourned from time to time, without business of public importance, till]

Thursday, April 28th 1757 P. M.

[p. 283.] Voted, That there be allowed and paid unto his Excellency Ben'g. Wentworth Esq. Governor & Comander in chief in and over the province of New Hampshire out of the money that is or shall be in the Treasury the sum of Four Hundred pounds new Tenor for his more Honble & ample support unto the 12th day of Decr 1757 & further Voted there be paid to his Excellency one hundred & fifty pounds new Tenor for two years House rent from the 12th day of June 1755 to the 12th day of June 1757, and that his Excellency draw the same out of the Treasury by his warrant by & with the advice of his Majesty's Council.

Sent up by Messrs Batchelder & French.

Fryday, April 29th 1757.

[p. 284.] Met according to adjournment.

Whereas this house is informed by the Comittee appointed ye 19th March last that the owners of the Brick house do not incline to sell the same for the sum proposed to be given therefor, and whereas it would be advantageous to have a Provincial house for his Excellency the Governor to Dwell in as soon as may be,

Therefore Voted that Peter Gilman Esq. Messrs Jno Knight jun. & Andrew Clarkson be a Committee to joyn with such as may be appointed by the Honble Board Impowered to buy or build a Provincial house such as his Excellency & the said Comittee shall agree upon, Provided the General Assembly consent to the price, if they buy and the plan of the house if they should Build & not

otherwise, and that the charge and expense of purchasing or building said house be defrayed out of the money to be raised by the supply bill for this present year 1757, and in order to carry the matter into present execution that the money in the Treasury for building a light house or any other money that may not be imediately wanted for the uses appropriated for be borrowed & replaced when the tax by virtue of said supply bill comes into the Treasury. Sent up by Mr. Knight.

Mr. Speaker adjourned till 3 o'clock

P. M.

Mr. Sec^y Brot Down the Committees Report Relative to ye purchas^s the Brick house, which was what ye owners would not sell it for the sum granted to be Given by the Assembly March 19, 1757, being read,

Ordered That the same lay on file(a).

(a) Jour. Coun. & Asssem. Ap. 28 & 29, 1757. [The Council concurred in votes of allowance, to

David Horney, for house-rent, wood & candles,	£16: 5:0
Joseph Moulton for going Express, &.	3:15: 0
Jno. Tibbetts, for expences of himself & Son in coming home from Crown Point	5: 0: 0
Benj. Akerman, in behalf of Benj. Pitman, decd, for support of two Indians in Prison—	15: 0: 0
Joseph Avery, a soldier, for expense in sickness,	5: 0: 0

Saturday April 30th 1757.

[Adjourned, by order of the Governor, till Tuesday the 17th of May next, 10 o'clock A. M.]

[p. 286.] Tuesday, May 17th 1757.

Met according to adjournment [and adjourned till]

Wednesday, May 18th 1757.

Mr. Sec^y Brot Down his Excellency's Mess^a to Both Houses of the 17th Inst with the sundry papers therein referred to—all wch was read.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. II. p. 477.]

Gentlemen of the Council
and of the Assembly,

By the Earl of Loudouns letter to me of the 2^d of May which the Secretary will communicate to you, it will appear that instead of Demanding

additional forces from this Government, his Lordship only recommends that the militia be properly Equiped and in readiness to march upon any Emergency, and that the respective Collonells without any further order from me should be subjected to the order of Major General Webb to march the number of troops that may be allotted to each regiment.

And it appearing to me to be of great consequence and for the safety of the Colonies that his Lordships recommendation should be complied with, I must recommend it to you to determine, in time to go by the Post, what number of Men Major General Webb may depend upon from this Government, when his Majesties service requires it.

The Secretary will allso lay before you Lieutenant Collonel Goffe's letter(1) of the 11th of May, by which you will be informed of the State of the forces belonging to this Province under his command, and I am hopeing that it will be your care that the men be supplied with what he in his letter intimates is wanting.

B. Wentworth.

Council Chamber in
Portsmouth, May 17th 1757.

The Earl of Loudoun's Letter.

[Copied from MS. Corr. Vol. III. p. 97.]

New York, May 2d 1757.

Sir—

As I have received a Copy of the letter from one of his Majesty's Principal Secretarys of State,(1) to you, signifying his Majtys pleasure, that you shall raise for the publick service the like number of men you did last year independent of those necessary for the security of your own Province—

As I am now preparing agreeable to his Majesty's Orders to me, to leave this Province with the transports to join the Fleet and succours from Europe, and shall leave Majr General Webb to comand at Albany & the forts, with a body of his Majesty's regular forces together with the Troops raised by the Northern Colonies,

And as I had settled the Quota of men to be raised by you, and the neighboring Provinces for the operations of the year, before the Secretary of State's letter arrived, I have some doubt if the addition now required by that letter to put them on the Foot of last year with respect to numbers, can be raised & marched to take the field in due time to enter upon service, Therefore both to comply with the Secretary of State's orders & the greater security of the Country it appears to me absolutely necessary that the Militia of your Province should be properly armed and furnished with amunition & have a standing order to march to the aid and assistance of the Forces under the comand of Major General Webb(3) at Albany or the Comander of his Majestys Forces in that Quarter on his Requisition, and that this order should be more particularly given and enforced in each part of your province as is most nearly situated to those Forces without waiting any farther orders from you.

From your Zeal for the publick service I can have no doubt of your complying with the Recommendation and hope if the necessary orders

(1) Col. Goffe's letter cannot now be found.—Ed.

(2) The celebrated William Pitt was then Secretary of State. See letters which follow written by him.—Ed.

(3) Maj. Gen. Daniel Webb, was an English officer, who succeeded Col. Dunbar after the defeat of Gen. Braddock. He arrived at New York from England June 7, 1756, with the rank of Brig. General. He seems to have been deficient in personal courage and energy; and was unsuccessful in his command. He died in October or November, 1771. [See N. Y. Col. MSS. Vol. X. p. 574, note.]—Ed.

are given & strictly obeyed by them to reap the same benefit from your Militia that we did lately on the Enemy's attempt on Fort Wm & Henry from the Militia in the upper part of the Country.

I shall send Maj. Gen. Webb a copy of this to whom at Albany I desire you will communicate the orders you give, and to whom, that he may know what officers of your Militia to call upon on any emergency and likewise transmit a copy of that to me at New York.

I am, with great regard, Sir,
Your most obedient and most
humble servant

LOUDOUN.

His Excellency Benning Wentworth, Esq.
Copy from the original,
Att. Andrew Clarkson, Clerk, &c.

Letter from his Majesty's Secretary of State, Honble William Pitt.

[Copied from MS. Vol. "Belknap Papers," p. 278.]

Whitehall, Feb. 4th 1757.

SIR—

The King, having nothing more at heart than the Preservation of his good subjects & Colonies of North America, has come to a Resolution of acting with the greatest Vigour in those parts the ensuing Campaign, and all necessary Preparations are making for sending a considerable Reinforcement of Troops, together with a strong Squadron of Ships for that Purpose; and in order to act offensively against the French in Canada.

It is His Majesty's Pleasure that you should forthwith call together your Council & Assembly, and press them, in the strongest manner, to raise with the utmost Expedition, a Number of Provincial Troops, at least equal to those raised the last year for the service of the ensuing Campaign over and above what they shall judge necessary for the immediate defence of their own Province; and that the Troops so raised do act in such Parts as the Earl of Loudoun, or the Commander in Chief of His Majesty's Forces for the time being shall judge most conducive to the service in general: And the King doubts not, but that the several Provinces, truly sensible of His Paternal care, in sending so large a Force for their security, will exert their utmost Endeavours to second and strengthen such offensive operations against the French, as the Earl of Loudoun or the Commander in Chief for the time being shall judge expedient; and will not clogg the Enlistments of the Men, or the raising of the money for their Pay &c. with such Limitations, as have been hitherto found to render their service difficult & ineffectual: And as a further Encouragement I am to acquaint you, that the Raising of the *Men, their Pay, Arms, & Cloathing* will be *all that will be required on the Part of the several Provinces*, Measures having been already taken for laying up *Magazines of Stores & Provisions* of all kinds, *at the Expense of the Crown.*

I cannot too strongly recommend it to you, to use all your Influence with your Council & Assembly, for the punctual & immediate Execution of these His Majesty's Commands—

I am Sir, your most obedient
humble servant

Govr of New Hampshire, W. PITT.

P. S. Your letter of Octr 21st has been received.

Letter from his Majesty's Secretary, Honble William Pitt.

[Copied from MS. Vol. "Belknap Papers," p. 279.]

SIR—

Having in my letter of the 4th Inst informed you, that it was the King's Intention to send a Strong Squadron of Ships of War to North America, I am now to acquaint you that His Majesty has been pleased to appoint Rear Admiral *Holburne*, to command the said Squadron & it is the King's Pleasure, that, in case any Naval Assistance shall be wanted for the Protection of your Government, you should apply for the same to the Said Rear Admiral, or to the Commander in Chief, for the time being, of his Majestys ships, in those Seas, who will send you such Assistance, as he may be able to do consistently with the service, with which he is charged by His Majesty's Instructions, and you will regularly communicate to the Said Commander all such Intelligence, as shall come to your knowledge, concerning the arrival of any ships of War, or Vessels having Warlike stores on Board, & likewise all such Advices as may concern their Motion & Destination or may in any manner relate to that part of His Majesty's service, with which the Commander of the King's Ships should be acquainted: And for the better Execution of the Orders sent you in this letter, you will be diligent in employing proper Persons and Vessells, not only to procure you the earliest Intelligence, but likewise to be dispatched from time to time to the said Commander of his Majesty's Ships, with such accounts as you shall have occasion to communicate to him.

It is also His Majesty's further Pleasure, that you should use all legal Methods whenever the Commander in Chief of His Majesty's ships shall apply to you, to raise such a Number of Seamen, from time to time, as shall be wanted to recruit the Ships in North America.

I am, Sir
Your most obedient
humble servant

W. PITT.

Govr of New Hampshire.

Voted That Henry Sherburne Jun. Clement March Esq. & Capt. Thom^s W^k Waldron be a Committee of this house to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excellency's message to both houses of the 17th Instant, & of the sundry Papers therein Referr'd to, and make Report to the Genl Assembly as soon as conveniently may be. Sent up by Mr. French.

Wednesday, May 19th 1757, P. M.

[P. 287.] The Comittee appointed yesterday to consider of the subject matter of his Excellencys message of ye 17th Inst. and the severall papers therein referred to, Brot in the following Report, wch was read, and is as follows, viz.

[P. 288.] Province of New Hampshire, May 18th 1757.

The Comittee appointed to consider & report upon his Excellency's Mess^a to both houses of yesterday have had the said Mess^a and papers therein refer'd to before us and having weighed the subject matter thereof beg leave to Report:

That considering the situation of this Province, its extensive frontiers so much exposed to the Incursions of the Enemy, the number of men at this time actually gone out in the service by the Earl of Loudoun's request not only Colº Meserves Regiment but also the three Companys of Raingers under the command of the two Capt. Rogers(1) & Capt. Sheaperd, and the company of artificers Enlisted by Colº Meserve by which means the Inhabitants especially near the Frontiers are very thin and much scattered & should any considerable number of the Enemy from Canada or Crown point fall upon any part of our frontiers, which has been very often the case, and therefore may very reasonably be expected, in this case we should stand in great need of more men than is now left in the Province to confront and drive back such Enemy, & as our Distance & situation from Albany from Whence Genl. Webb may be supposed to issue his orders, renders it almost Impossible to afford him any assistance in season at yt Quarter on any emergency: We are therefore humbly of opinion that his Excellency be desired to inform Genl Webb (who probably may not be thor'ly acquainted with the situation of th s Province, and its distance from Albany,) & that 'tis nearly impossible he should have any reasonable dependence on any sudden aid in those parts from Troops order'd from even the nearest Inhabited part of this Province, and that his Excelly be also humbly desired to Issue his orders to the several Proper officers strictly to put in Execution that part of the Militia Law that Requires every man to be equip'd with arms and ammunition, &c.

By order of the Comittee,

Theodore Atkinson, of the Committee.

In Council, May 19th 1757.
Read and sent down to the
Honble Assembly.
Theod. Atkinson, Secy.

This Report having been Read, Voted, That it be accepted and sent up for concurrence. Sent up by Capt. T. Wk Waldron. [Concurred.]

Letter of Gov. Wentworth to Gen. Webb.

[Copied from MS. Vol. "Belknap Papers," p. 282.]

Portsmouth, May 20th 1757.

Sir—

Pursuant to directions from his Excelly the Earl of Loudoun, I herewith transmit to you my standing order on the Collonels of the respective regiments within ye Government to afford you such aid as his Majesties service may from time to time require without any further orders from me.

As the military force is under my direction and are to obey such orders as they receive from me, nevertheless they cannot be compelled to undertake a long march without Blanketts, subsistance and other necessary stores, which upon receiving Lord Loudoun's letter I thought it for his Majesties service to desire that the Assembly would make the necessary provision for, a Committee of both Houses was accordingly chosen to report in what manner this provision was to be made. But instead of making a proper grant for this service, it appears to me that they are averse to send any succours, even upon the greatest emergency that you can have any dependence upon, as you will observe by the report of the Comtee, a copy of which I herewith transmit you, and will transmit a duplicate of the same to the Earl of Loudoun. I wish you a prosperous campaign, and am, Sir, your most obedient humble servt.

B. W.

(1) Capt. Robert and Richard Rogers.—Ed.

[p. 289.] Fryday, May 20th 1757.

Whereas sundry persons in the service of this Governmt the present year under Colo Nathl Meserve have indigent families,

Therefore Voted That the Secy be & hereby is desired to furnish the Treasurer with an attested copy of the number of men & their names that are actually in the service and pay of this Governmt in Colo Nathanl Meserve's Regiment; this being done, further Voted, That the Treasurer the Beginning of July next pay one month's pay to each of the said soldiers wives or their Legal Representative out of money in the Treasury for the Defraying the charge of this year's Campaign.

Sent up by Mr. Seavey. [Concurred.] Adjourned.

Saturday, May 21st 1757.

Mr. Secy came down & Informed the house 'twas his Excellency's orders to him to Prorogue the General Assembly till Tuesday ye 25th day of Octobr next to 10 o'clock before noon, & accordingly in his Majesty's name they were prorogued.

CONVENTION.

Monday June 20th 1757.

Province of New Hampr } At a special Convention of the members of the Genl Assembly on the Twenty and twenty-first day of June 1757, Pursuant to his Excellencys Orders.

Seventeen members being present.

Mr. Secy Brot down his Excellency's message of the 20th Inst. and the petition of Major John Gilman of Colo Nathl Meserve's Regiment, now under the command of Lieut. Col. John Goffe, at the Flatts, In behalf of the officers & soldiers of said Regiment. Both which was read, and after many debates and arguments,

Mr. Speaker adjourned the *General Assembly* [Convention?] till tomorrow morning 9 o'clock.

Governor's Message.

[Copied from MS. Govrs Messages, Vol II. p. 485.]

Gentlemen of the Council
and of the Assembly—

I have directed the Secretary to lay before you the petition of Major Gilman in behalf of the officers & soldiers of that part of Collonel Meserves regiment under the Comand of Lieut. Collonel Goffe posted by General Webbs order at a place called the Flatts near the City of Albany.

It was not my intention to Convene the General Assembly on this occa-

sion, but upon a representation made to me by the Com^tee for purchasing and providing stores, and other necessarys for the Troops imployed this year in his Majestys service, it become, at this time necessary.

Coll^o Meserve having detained the surgeon that was provided for the regiment to proceed with him, Intimates to me in his letter that the Earl of Loudoun had given him full assurance that the King's Surgeons should take care of that part of his regiment which remained under the command of Lieut. Colonel Goffe, which I purpose to acquaint General Webb with, and if the Council & Assembly are of the opinion that suitable care will be taken of the men in this way, the charge of another surgeon may be saved.

As to the other provision that is required to be made, I shall only say in General, that it will be agreeable to me, to have the Troops in the pay of this Government provided for in all respects, as the Troops in the same service are, in the pay of the other Governments, this will give content, but anything short of it will cause complaints & discontent.

B. WENTWORTH.

Council Chamber in
Portsmouth, June 20th, 1757.

Petition of Major John Gilman.

[Copied from MS. Vol. in Sec^ys office, "Lords of Trade," &c. "Council Records," &c.]

To his Excellency Benning Wentworth, Esq. Capt. General, Governor & Commander in Chief in & over his Majesty's Province of New Hampshire, the Honble his Majestys Council & House of Repretentatives June 20th, 1757.

The Humble Petition of Major John Gilman of Coll^o Meserve's Regiment in behalf of the soldiers of said Regiment now in his Majesty's service under the command of Lieut. Coll^o Goffe at Fort Edward, *Shews*—

That the said Troops were ordered to March from No. 4 (where with much fatigue they had arrived) to Fort Edward, and in their way rested awhile at Albany Flatts, from whence by order of said Coll^o & the Request of the Captains Emery, Mooney & Bayley, your Petitioner came to represent the condition & circumstances of said Troops which are greatly Fatigued & Dispirited by such a long & unexpected march & wants of necessary supplys.

That there is need of a Tent for the officers of each Company, & one for every six soldiers, kettles, cantoons & Beds for the sick, An allowance of Rum & Sugar, store of spirits, waste coats, shoes & stockings, some farther allowance for fresh provision, Provisions for their Relief in case the small Pox should prevail & spread among them, it being general at Albany and in all probability at Fort Edward wither they are bound, Billeting from the time of Enlisting till they marched, an armourer, a Doctor & Chaplain, a Baker, an allowance for the officers Table, money to pay the extraordinary charges in marching up to Fort Edward & other incidental & contingent charges:

These being the most material articles of which the said Troops stand in great necessity, your petitioner humbly prays, Pursuant to his orders, That the Premises may be considered, that speedy Relief therein may be provided, that the said Troops may not be dispirited & their present uneasiness & Discontent may be removed, and your Petitioner shall ever pray, &c.

JOHN GILMAN.

Tuesday June 21st 1757.

Met according to adjournment.

His Excellency's Messa &c. was again read.

Voted, That Colo Peter Gilman, Capt. Thoms Wk Waldron and Andrew Clarkson be a Comtee of this house to prepare an answer to his Excellys message of the 20th Inst. agreeable to the minds of the house.

[p. 292.]
Province of New Hampr } At a Special Convention of the members of the Genl. Assembly on the 21st day of June 1757. Pursuant to his Excellency's orders:

Whereas this government hath raised 350 men to be born in the pay thereof for one year from the time of their Inlistment & to be subsisted according to the proposals of Lord Loudoun when at Boston; and

Whereas by his Excellencys message of this date, Lieut. Col. Goffe's letter & a petition preferred by Major Gilman of said regiment,—by all which it appears the men under the Comand of the said Lieut. Collo. are in want of sundry necessarys and conveniences that we apprehended would be supply'd by the Crown, therefore We do hereby Resolve that his Excellency be humbly desired to write, and the Comtee appointed by vote of the house 26th Feby last to purchase stores &c, for said men, be hereby impowered to make proper application to Lord Loudoun or the Commander in chief of his Majestys Troops at Albany for said necessarys and conveniencies, and such of them as are not furnished by said Commander in chief Immediately to furnish so far as they shall think necessary of the articles mentioned in said petition or any other, that the Troops of this governmt may fare as the other Provincials do in said service, and that they be hereby also impowered to imploy a suitable person to repair to Albany or elsewhere to execute such orders as he shall Receive from time to time from said Committee & make him an adequate allowance therefor, and that they be furnished with suitable money out of the Treasury immediately to put the same in Execution & lay an acct of their doings before the General Assembly as soon as may be, and that the General Assembly at their next sessions pass a vote to confirm this Resolve.

Henry Sherburne, jun. Speakr.

Sent up by Thomas Bell, Esq.

[p. 293.] Mr. Speaker adjourned the house till 3 o'clock P. M.

Mr. Secy came Down & Inform'd the house that his Excellency consented to the Report of the forenoon, & that he had nothing farther to lay before the Convention.

Province of New Hamp^{r} } At a special Convention of the members of ye General Assembly on the 15th day of Augt 1757, pursuant to his Excellency's orders,

Mr. Sec^{y} brot down his Excellencys Message to the Council & Assembly of this date, & the sundry papers therein Referr'd to, all which was read & are on file.

Governor's Message.

[Copied from MS. Gov^{rs} Messages, Vol. II. p. 487.]

Gentlemen of the Council & of the Assembly—

Nothing but his Majesty's Extraordinary service, and the absolute necessity there is of the united Forces of the Kings Governments to make a stand against the Troops of the French King, could have prevailed on me to convene the General Assembly at this time.

Capt. Christie the commanding officer at Albany having by his repeated letters applied to me by order of General Webb, & in consequence of his Majesty's Commands, to aid and assist Lord Loudoun on all Emergencys, or the Commander in chief of his Majesty's Forces in North America, for such a part of the Military Forces under my Comand as can be spared with safety to the government, to relieve his Majesty's Fort William Henry, which was then beseiged by a powerfull army of French & Indians, I thought it necessary to lay the Letters wrote by Capt. Christie, which I had then received before his Majesty's Council, who upon due consideration of the Importance it was to the Colonys to restrain the growing power of France, did unanimously advise to the sending two hundred horse or foot to the frontiers of the Province on Connecticut River; accordingly my orders were issued for levying two hundred horse out of the respective Troops by Inlistments and I esteem it a fruitless attempt to Impress until the military fines are set so high, as to answer the end proposed. I must therefore once more press you to pass an act to render all future levies effectual, and to make such other grants as appear at this critical time necessary for the common safety & defence of our Country.

By Capt. Christie's letters of the 4th 5th & 8th Instant you will see in what pressing terms he writes in for succours to releive the besieged. By Leut. Governor De Lancey's letter of the 10th and by Capt. Christie's of the same date, you have the melancholy account of the Capitulation of Fort William Henry, but on what terms is wholly uncertain, and Mr. DeLancey in his letter, mentions that since writing it, he hears by Express from Saraghtoga that the Enemy had attackt Fort Edward.

The Secretary will lay the letters referr'd to before you, and I shall not doubt of your readiness to afford all the assistance we can possibly give, and of puting the levies on such a footing as will admit of no delay or subjected to the lest uncertainty in raising.

Although the French from the nature of their Government have succeeded in their attempts against these Colonys, yet, I thank God, we have a manifest superiority over them still, provided we make use of the means Providence has indulged us with, and nothing can save us, or divert their successful progress, but making a proper use of these means.

The calamities of war are to be dreaded, but since this country is become the seat of war, it is our duty to use every Expedient in our power, for nothing can be laid in the ballance against our happy Constitution in Church and State,—nothing will avail us as protestants when we become the abject Slaves of Popery & Tyranny, these are calamities which we

dread, but must inevitably be our lott, unless we exert ourselves & use our utmost efforts to make a stand against this powerfull Enemy now entering into the bowells of our Country; & on this solemn occasion, I hope I shall not fail of your wisest counsell and advice, and that no consideration may influence you to loose one moment from pursuing the great object before you.

B. WENTWORTH.

Council Chamber in
Portsmouth, 15th August 1757.

Gentlemen—

Since I had finished the above message I received by an Express Governor Pownall's (1) letter of the 14th Instant. Lieut. Governor De Lancey's & Capt. Christie's of the 11th, the two last contradict the investing of Fort Edward and give an account of the Honorable Capitulation of the Garrison at Fort William Henry, the saveing that Garrison in part from the Crueltys of the savages in some degree alleviates the loss.

By Governor Pownalls letter you will observe the measures he has taken, tho' the Assembly was not then sitting, to send forward succours from his Government, which I am hopeing will excite us to do our duty on this occasion.

As I am informed that General Webb has drawn of the five hundred men posted on Connecticut River under the Command of Collo Whiting, I doubt not but you will among other things think it necessary to post a sufficient number of men on that Frontier.

B. WENTWORTH.

Council Chamber in
Portsmouth, Augst 15th, 10 o'clock, A. M. 1757.

Letters from Capt. Christie to Gov. Wentworth.

[Copied from MS. Vol. "Belknap Papers," pp. 284—288.]

Albany, August 5th 1757.(2)

SIR

I refer you to my Letter yesterday by Express, informing you of Fort William Henry being invested with a large Body of the Enemy to the amount of Eleven thousand Men, Thirty-six pieces of Cannon and five Mortars or upwards.

I have this moment another Letter dated the 4th at eight at night from Forte Edward, which says the firing of great Guns and small arms continued all that Day, very Briskly, but ceased at sun-sett as it had done the day before.

The General once more commands me to acquaint you, that if you do not order your Troops in motion, this country must be lost. I can add nothing farther, But that I am with respect,

Sir, your most obedt humbl Servt.

G. CHRISTIE, A. D. Q. M. G. &
Captain in 48th Regt Comds in Albany.

His Excellency
Benning Wentworth,
Governor, &c. New Hampshire.

(1) Thomas Pownall, Esq. was at this time Governor of Massachusetts. [See Biog. notice of him in Allen's Amer. Biog.]—ED.

(2) The Letter referred to, of August 4, cannot be found.—ED.

Albany, 8th August 1757.

Sir—

I have this moment received an Express from General Webb, desiring I would again write to you to forward Troops with all Expedition (of which now is the 4th Time) for without an immediate supply the whole Country must be deserted and given up to the Enemy.

Nothing but an immediate Retreat from Fort Edward (if you don't put in the General's Power to proceed to the relief of Fort William Henry which still makes a brave defence, by assisting them wth numbers) can save them from being cut off by the superior strength of the Enemy.

I am sure, Sir, I can use no arguments with you so strong for relief, as this one argument, that Numbers and Expedition will save our Country which is now in the utmost danger.

I write this by order of the General, and am with

Respect, your most obedt & most hble Servt

G. Christie, A. D. Q. M. G. &
Captain in 48th Regt Comds in Albany.

To his Excellcy Benning Wentworth.
New Hampshire.

Albany, August 10th 1757.

Sir—

I wrote you 8th, to it and to my several other Letters I reffer you—and am now sorry to tell you, that Fort William Henry, after an obstinate and Gallant Defence made by it, as well as the Troops in the Lines, were obliged at last to give way to numbers, & capitulated yesterday morning about seven o'clock.

The particulars I can't yet Inform you of having received this certain accot of the fact this moment, and think Proper to acquaint you therewith, to animate the spirit of a nation which seems ripe for destruction, to rise in their own Defence.

You Sir, will judge what a small body of troops may do Elevated with success, unanimous in their Counsels, and quick in their Execution, if not timeously prevented.

I can say no more, but that it is a necessity for men to be sent properly Provided with arms and ammunition, with all Expedition; otherwise no man can tell the consequence.

General Webb is still at Fort Edward with the Troops left there, and the Militia he is collecting as fast as Possible. Let us save that, Sir, othwise New York itself may fall, and then you may judge the fate of the Contment.

Your most obedt Servt.

G. Christie, A. D. Q. M. G. &
Cap. in 48th Regt.

Albany 11th August, 1757.

Sir—

Yesterday I informed you that Fort William Henry had capitulated the day before in the morning, and that it was in the hands of the enemy. It is some alleviation of our Misfortunes, that Fort William Henry was commanded by a brave officer, and a man of great honour, Lieut. Colonel Munroe, of the 35th Regiment, and well seconded by another of great Experience, Lieut. Coll. Young, by a noble and Gallant Defence they made against such a vast body of the French Regulars and savages so well provided with artillery, and who used it with great success without intermission, Intitles them to great merit, and does much honour to his Majesty's arms; by an honourable Capitulation they obtained to march the whole Garrison upon Parole, not to bear arms for eighteen months.

Such things we have been strangers to here, but such was the spirit of the Commander, and such the ardor of our men, they were not Dismayed by numbers, and rather prefer'd dieing to a man than become Prisoners, at the mercy of a savage and cruel Enemy, who endeavoured to show their Disposition upon the rear of the conquered, contrary to their faith, contrary to every principle of honour, they sent a large Body who way layed the Garrison, (tho' the French sent a guard but gave orders for it to go but a few miles with the Garrison) and killed and scalped a great many striped all our brave officers, with many other marks of cruelty sufficient to Rouse the nation from its lethargy—otherwise the Enemy's conquest and cruelty will not end there.

General Webb has not yet been able to muster Six thousand Men at Fort Edward, where he expects to be attacked every minute—A small number to save a Country.

Therefore men properly provided with arms and ammunition, is what I repeat to you once more, are wanted with the Greatest Expedition to prevent the Downfall of the British Government upon this Continent.

I am with respect, your most obed^{s} h^{ble} Servt.

G. Christie, A. D. Q. M. G.
Captain in the 48th Reg^{t} &c.

P. S. I have just now learned from Authority that our Cannon and mortars most of them had busted, and our Ammunition near Expended before any Proposal was made for a Capitulation by the Garrison; Col. Young is wounded and Coll. Monro came in strip'd at the head of his brave Garrison to Fort Edward—which is not yet invested.

To his Excellency
Benning Wentworth.

Albany 14th August 1757.

Sir—

Last night I had an Express from General Webb with a letter from Capt. Bartman, his aid-de-Camp, in which is the following Paragraph, wrote by the General's order, dated at Fort Edward, 13th curr^{t}, viz.

"And desire you will *send to stop the New England and other Militia* "*from proceeding* until we can be better able to judge from the motions "of the French, whether their coming up will be necessary."

From the above you will judge of the proper measures to be taken with the Militia, which can but fulfill the Generals intention. I have few other particulars with respect to the Garrison of Fort William Henry, more than I communicated to you in my letter the 11th current, only I was misinformed with respect to Colonel Munroe's coming in, for neither he nor Colonel Young, with a number of other officers are yet come, but we have hope they are in the hands of the French. Great numbers of the garrison came into Fort Edward, and many gone through the woods towards New England, all confirm the *Massacres* committed by the Indians with the connivance of the French, the most barbarous crueltys committed in their sight and Presence, contrary to a solemn Treaty and Capitulation, exchanged between M. Montcalm and Colonel Munroe, wherein officers and soldiers were to march out, with all their Baggage, Drums beating, Colours flying, and one Piece of Cannon (a six Pounder which Montcalm made Colonel Young a Present of for his gallant behaviour in the Lines) Likewise in the Capitulation says, the garrison to have, for their defence, all the honours which that of Minorca had.

Many officers came in has authentick copys of it, which will be a lasting reproach on the French nation, for the most bare faced and Barbarous breach of publick faith.

I am with Respect, your most obed^{t} h^{ble} serv^{t}
G. Christie, A. D. Q. M. G.
Captain in the 48th Reg^{t}.

His Excellency
Bening Wentworth,

Province of New Hamp^{r} } At a Special Convention of the members of the General Assembly on the 15th day of August 1757, Pursuant to his Excellency's orders,

Voted That Peter Gilman, Clement March, Thomas Millet, Esqs. Capt. Thomas W^{k} Waldron & Andrew Clarkson be a Comittee of this House to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excellency's message to the Council and Assembly of this date, and the sundry Letters therein Referr'd to & make Report Immediately what may be proper for this Government to do at this critical conjuncture.

Henry Sherburne jun. Speaker.

Sent up by Mess^{re} Bell & Giddings.
Mr. Speaker adjourned till 9 o'clock tomorrow morning

Tuesday Augt 16ta 1757.

Met according to adjournment. Mr. Sec^{y} Brot Down the following Report to his Excellency's Mess^{a} &c. which was read.

[p. 294.] Province of New Hamp^{r} } August 16th 1757.

The Committee of both houses Impowered & directed by vote of yesterday to consider and Report upon his Excellency's Mess^{a} of that date have had his Excellency's said Mess^{a} & the papers therein referr'd o before them giving an acc^{t} of the attack and surrender of his Majesty's Fort William Henry at Lake George into ye possession of his Majesty's Enemies the French, & that it's feared by the Lieut Governour of New York then at Albany & Genl Webb that the Enemy would pursue their victory & lay seige to Fort Edward, and as the assistance that Garrison had sent to Fort William Henry had rendered it very improbable that Fort Edward would long sustain the attack of so great a Body of the Enemy without the aid of his Majesty's Colonies which they tho't in great danger of being lost unless the enemy should be repulsed and driven back & therefore Desireing a number of men well armed & provided with ammunition might be immediately sent to the Relief of those Parts:

We have accordingly considered the several circumstances of this affair & humbly offer it as our opinion that his Excellency the Governor be Desired to cause to be Immediate y dispatched five hundred men of ye Militia horse & foot, well armed & provided with Amunition &c. to joyn the forces raising in the other Governments in support of his Majesty's Garrison Fort Edward. But if his Excellency should have certain advice

that the Enemy were drawn off, and our assistance not wanted, that he be desired Immediately to recall such men as he shall send out by virtue of this desire, unless any other part of the frontiers of these northern Colonies should be attacked, that then in that case his Excellency give orders for their marching to the assistance of such place, & that if his Excellency should have advice that Fort Edward is besieged by the enemy that he be Desired to Raise any further number of the militia he may think proper & order them to its assistance, and that they be supplyed with money out of the Treasury to pay the expense of their march, till they arrive where the King's provision is.

By order of the Committee
Theodore Atkinson, Chairman.

[p. 295.] In Council, Augt 16th, 1757.
The foregoing Report read & ordered to be sent Down to the Honble Assembly.

Theodore Atkinson, Sec^{y}.

The foregoing Report having been read,
Ordered That it be accepted & sent up for concurrence. [Concurred.]

Henry Sherburn, jun. Speaker.

Sent up by Messrs Knight, Jones, Seavey & Clerk.
Mr. Speaker adjourned till 3 o'clock

P. M.

Mr. Sec^{y} and the Honble Richard Wibird Esq. came down and Informed the House, that his Excellency much approved of the Report of both houses of this date, But that his Excellency tho't 'twould prove ineffectual unless this convention pass a Law for the Raising the Military fines, which he thought they might do.

The members taking under consideration ye foregoing Mess^{a},
Ordered That the following verball Mess^{a} be sent to his Excellency in answer thereto, viz.

May it please your Excellency—The members having taken under consideration your Excellency's message of this afternoon by Mr. Sec^{y} and the Honble Richard Wibird Esq. are unanimously of opinion that they have no power at a Convention to pass any Act whatsoever.

Sent up by Capt. Bell & Capt Moulton.

The Honble Jos. Newmarch Esq. Brot Down his Excellencys Mess^{a} of this day relating the Repairing Fort Wm. & Mary at New Castle, which was read, and on file.

Governor's Message.

[Copied from MS. Gov^{rs} Messages, Vol. II. p. 493.]

Mr. Speaker and
Gentlemen of the Assembly—

The South West Bastion in his Majesty's Fort William & Mary at New Castle, is upon examination past all repair. I have therefore ordered it to be taken down & laid on a new and better foundation further to the

westward, which will enlarge the fort and give an additional strength to the Garrison, in carrying on these works there will be a great saveing of near half the Expence to carry it on a little further, so as to take in the well, which is a work that must finally be done, and upon your resolving that the Expence shall be defray'd I shall give the necessary orders therefor.

B. WENTWORTH.

Council Chamber in
Portsmouth, the 16th August 1757.

[P. 296.] Province of }
New Hampr } At a Special Convention, &c.

The members takeing under consideration the foregoing Messa, Ordered, That the following answer be sent to his Excellency's Messa this afternoon by the Honble Joseph Newmarch, Esq.

May it please your Excellency—

Your Excellency's Messa by the Honble Jos. Newmarch, Esq. we should be glad to attend to, but must beg your Excellency will excuse us now, as we are unanimously of opinion to transact nothing at a Convention but matters of the utmost importance.(a)

Henry Sherburne, jun. Speaker.

(a) Jour. C. & Assem. Aug. 10, 1757. His Excellency asked the advise of the Council weither he should grant his warrt on the Treasr for money to Defray the Expence of the Troops 'till they should be Provided out of the King's Stores. To which they did consent and advise.

Sent up by Capt. Moulton and Mr. Steavens.

The Copys of the Circular Letters for calling this Convention are on file.

Mr. Secy came down & Informed the members that his Excellency had nothing further to lay before this Convention.

Note by the Editor.

[The letters which follow relate to events that transpired between the adjournment of the Convention and the meeting of the General Assembly.]

Letter from Lord Loudoun to Govr Wentworth.

[Copied from MS. "Belknap Papers," p. 290.]

New York, September 7th 1757.

SIR—

As I find that after the surrender of Fort William Henry, Major General Webb had on finding a very great deficience in the number of the Provincial Troops under his Command, Assembled for the defence of those Provinces, Partly from those rendered uncapable to serve at present from the Capitulation, and likewise from desertion, made a demand from you of a Number of men to compleat your Quota:

As I now have arrived here with a considerable Body of his Majesty's Forces, and as I am willing as far as it is consistant with the safety of those Provinces, and the good of the service, to Save every Expense possible to the Provinces, I shall not now insist on Putting them to that Ex-

pence, but must Insist on your taking all proper measures to prevent and discourage all further desertions from the Troops of your Province, till the Time I find I can with safety dismiss them which I will do as early as Possible.

But to Enable me to part with your Troops the earlier and to secure the Back Settlements and to annoy the Enemy, it will be absolutely necessary that I should be furnished with a *number of Rangers, to continue with me the whole winter*, to be disposed of for those Purposes; the necessity of this measure will I dare say appear to you, and I have the pleasure to acquaint you that Lieutenant Governor Delancey has already agreed with me to furnish for the Province of New York Two Companys of 100 men each, and to take care to have them composed of proper persons for the Nature of the service, both officers and men, by which proportion your Quota will amount to Fifty men.

I must beg that there may be no delay in your giving your orders on this subject, and that in case there's not Proper People to be found among your Troops for this purpose, you will be so good as to give directions to have them from the Frontiers, where the men are inured to this sort of service.

I am with great Regard, Sir,
Your most obedient, humble servant

LOUDOUN.

P. S. I need not recommend to you, to see your men well provided with good Warm Winter cloathing.

Gov. Wentworth's letter in answer to Lord Loudoun.

[Copied from MS. "Belknap Papers." p. 289.]

Portsmouth, Sept. 21st 1757.

May it please your Lordship.

I had the Honor to receive your Lordships letter of the 7th Instant under Governor Pownalls cover, and shall use my utmost Endeavours that a proper Company of Raingers shall be raised to consist of Fifty men, which is the proportion your Lordship has assigned this Government,—but as the men fittest for that service are now actually abroad, or rendered Incapable of bearing arms by the Capitulation at Fort William Henry, it will be Impossible to raise suitable men to be on that duty, untill the muster rolls are made up, & the men paid off, which cannot well be done, until *Collo Meserves* return.

Upon adviseing with some of his Majesty's Council & the leading men in the Assembly in whom I could confide on the subject of your Lordships letter, another difficulty arose, in regard to raising the Company of Rangers at this juncture, That near *one third part of Collo Meserve's regiment that were posted at Fort William Henry were either killed or captivated.* And it was their opinion that if I convened the Assembly & proposed the Grant of fifty men as rangers now, there was great danger of losing the Grant, which I thought would be injurious to his Majestys service, Therefore it was advised to let the matter rest for the present, until this misfortune had become a little more familiar: To this may be added that at the requisition of Major General Webb *I have raised two hundred & fifty men to be posted at No.* 4, or Charlestown on Connecticut river under the command of *Major Thomas Tash* to make Collo Meserves regiment compleat from the loss of that number at Fort William Henry and these measures I am hopeing will meet your Lordships approbation

I am, my Lord, your Lordships
most obedient humbl servant

B. WENTWORTH.

The Right Honbl John Earl
of Loudoun.

Letter from Secretary Pitt to Governor Wentworth.

[Copied from MS. "Belknap Papers," p. 291.]

Whitehall, Sept. 16th 1757.

SIR—

Mons. d'Abren, Envoy Ex'try from his Catholick Majesty having lately delivered divers complaints of violence & Depredations (particularly mentioned in the inclosed Paper(1) committed by his Majesty's subjects in America against those of Spain, I am to inform you, that the King, seeing with the highest Disapprobation, the daily Growth of such scandalous Disorders, and having nothing more at heart than to stop the Progress of Practices, which if not repressed must involve his Majesty in odious Disputes with all the neutral Powers in Europe, is determined to exert the full authority of the Law in vindication of the Justice of his Crown, & of the Honor of the British Nation; and in this view I am hereby to signify to you His Majesty's Pleasure that you do enforce with the utmost vigor the observance of the additional Instruction of Octr the 5th to all Privateers, and employ uncommon care & Diligence effectually to prevent, and if possible to cut up by the Roots all Excesses & Enormities alleged to be committed in violation of the just Freedom of Navigation of his Cathk Majesty's subjects: And, whereas, with regard to all Spanish vessells bound to a Port of Spain in America, the case of contraband cannot exist, it being self-evident, that no effects whatever carried by a Nation to its own Ports can, in any case, fall under that Description; It is his Majesty's Pleasure that you do give the strictest orders, that no Spanish ship, under these circumstances, be disturbed or molested in their Navigation; and that in case of outrages or Depredations committed on the same, you do your utmost to discover all such violaters of Justice and Disturbers of the Harmony subsisting between the Two Nations, and to bring the same to condign & exemplary Punishment.

I am, Sir, your most obedient
humble servant

W. PITT.

Governor of New Hampshire.

[p. 297.] Tuesday October 25th 1757.

This being the day the General Assembly stood prorogued to, is further prorogued by his Excellency's proclamation to Tuesday the 15th day of November at 10 o'clock before noon, as appears by the Secretary's advertisement in the New Hampshire Gazette of October 2nd 1757, No. 55.

Tuesday, November 15th 1757.

This being the Day the General Assembly was to meet by prorogation, of *the* 18th *of October?* was again further prorogued by

(1) The Paper referred to, is a printed document in the Spanish language,—which cannot be translated by the editor,—found in the "Belknap Papers"—in connection with this letter of Secretary Pitt; and which is indorsed, "Captures made by the English Privateers on the subjects of his Catholic Majesty, 1757."—ED.

his Excellency's proclamation to Tuesday the 22d day of November Instant, at 10 o'clock before noon, as appears by the Secretary's advertisement in the New Hampshire Gazette of Novr 11th 1757, No. 58.

Tuesday, November 22d.

[Met and adjourned from time to time without transacting business, till]

[p. 298.] Wednesday Decembr 14th 1757, 11 o'clock, A. M.

Mr. Secy came down and informed the house his Excellency desired the attendance of the members of the General Assembly at Council Board.

Mr. Speaker & the members Present immediately attended, when Mr. Secretary Atkinson read his Excellency's speech.

Mr. Speaker with the other members being returned to their room,

Thoms Bell Esq. & Mr. Giddings were sent to Council Board to desire his Excellency would favor the house with a Copy of his Speech who returned & said the Secy would bring it.

Mr. Secy Brot Down his Excellency's speech of this Date & said the same must be returned a Copy of which is on file:

Mr. Speaker adjourned till 3 o'clock

P. M.

The speech was read.

[Copied from MS. Govrs Messages, Vol. II, p. 497.]

Gentlemen of the Council
& of the Assembly.

The distressing circumstances we are under from the extraordinary expences that have arisen to the Government in carrying on the Just and necessary war his Majesty has engaged in to remove the encroachments made on his Territorys by the French King, to maintain his Just Rights, & for the preservation of his good subjects in his American Colonys, demand your most serious attention, and call for the exercise of every frugal measure consistant with your common safety to extricate us out of our difficulties; but when we consider the situation of our mother country, how vastly the National debt is increased by the present war, the incumbrances we are under will appear but inconsiderable when compared with hers; yet we see his Majesty's fatherly care extended for the protection and defence of his American subjects, by sending formidable fleets & powerfull land armies, a thing before unheard of in these seas; this is a lasting proof how greatly he interests himself in our safety and welfare, and this calls upon us to exert ourselves with double vigor, when his service requires our aid.

In the present view of things, the hand of the Almighty seems to be stretched out against us but as the Event of the war is still in the hands of Providence, and having a manifest superiority over the Enemy, we

ought not to despond, but make use of the means God has put into our hands in defence of our Country, whenever these means are found necessary.

Gentlemen of the Assembly—

The Right Honble the Earl of Loudoun in order to lessen the expences of the several Provinces, has thought proper to discharge the forces that were in their pay respectively, and to demand from each Province a certain number of Forces, to be employed by him as rangers, during the winter season. New York, Mr. De Lancey writes me, come into this measure without the lest hesitation, and have accordingly granted Two hundred men; The Quota assigned by his Lordship for this Government is Fifty men to be well cloathed and Equiped, which I am hopeing you will instantly make a grant of.

His Lordship has likewise ordered two recruiting Partys to repair to this government to raise recruits for his Majesty's 47th & 48th Regiments of foot, and has directed his officers to apply to me, for billiting themselves and the men they shall enlist; but as the act now in force for billiting, appears to me to be defective, I recommend to you the passing an act in addition to it, that may effectually provide for that service, and I shall direct the Secretary to lay before you an act lately passed in the Massachusetts on the like occasion.

The almost total desertion of the forces of this Province that were posted on Connecticut river under the command of Col. Whiteing, by Major General Webb's order, calls for an Act in addition to an Act now in force in the Government, for punishing desertion in his Majesty's forces, &c. and when you take under consideration the difficultys that attend carrying that act into Execution, one of which is Establishing a new Court which never had a being in the Government, I persuade myself that at so critical a conjuncture as this is, you will not fail of passing an Act for the more speedy punishment of crimes of this nature, at the same time, it is of the last importance to His Majesty's Service, that the fines imposed by Law for impress'd men, should be raised so high as to put the levys intended to be made out of all doubt.

I have directed Coll^o Meserve to prepare the muster Rolls of his Regiment, which I make no doubt but you will make the necessary provision for discharging. I have likewise directed Capt. Bell to make out the Rolls for the men Employed at his Majesty's Fort William & Mary, by which you will observe that I have not employed the whole of the grant made, the number being too scanty to be of great use, or to employ my time about, there is now wanting a grant for the winter service and for the ensuing summer & the Fort must be enlarged.

I shall direct the Treasurer to prepare his accounts for a general settlement, and in this session I would hope it will be your care, that a true State of all funds that are expired, are prepar'd & laid before the General Assembly, and that all persons that have had public money Issued out of the Treasury may render an account in what manner the same has been disposed of. By this means a true state of the Treasury may be known, you cannot but be sensible how unreasonably these things have been delayed to the great injury of the Public.

I shall once more recommend to you, the provision necessary to be made for that part of my Salary, which was payable out of the Interest of the £25,000 loan, as the public faith, the Honour & Interest of the government are interested in this matter, I shall not doubt but you will make ample provision therefor.

Gentlemen of the Council
& of the Assembly.

It will give me great satisfaction to see in the course of the session, a good harmony subsisting in the respective branches of the Legislature,

my good officers shall not be wanting to establish & promote what I esteem so essential to the well being of all good Governments.

B. WENTWORTH.

Council Chamber in
Portsmouth, December the 14th 1757.

This afternoon taken up in conference on his Excellency's speech of this date.

Mr. Speaker adjourned till 9 o'clock tomorrow morning.

Thursday Decr 15th, 1757.

Met according to adjournment.

[p. 299.] Voted That Collo Peter Gilman Esq. Capt. Thoms Wk Waldron & Andrew Clarkson be a Committee of this House to joyn with such as may be appointed by the Honble the Council to Receive & Examine all muster Rolls for the year 1757 & lay the same before the General Assembly as soon as may be. Sent up by Capt. Haie & Clerk, ye 16th day. [Concurred.]

[p. 301.] Fryday December 16th 1757.

Met according to adjournment.

Voted That the Ten Thousand pounds blank sheets now in the Province Box, part of the Twenty Thousand pounds granted to his most excellent Majesty by act of Government passed the 24th Feby last, be delivered to the Committee by said act appointed to sign the same, and that they give their Rect therefor, and after signing said Bills that they deliver them to the Treasurer for the paying of such muster Rolls in Collo Nathaniel Meserves Esq. Regiment as shall be made up & allowed by the General Assembly, taking his Rect therefor. Sent up by Messrs Hale & Clerk. [Concurred.]

Voted, That his Excellency the Governor be desired to cause to be Inlisted six able Body'd effective men to watch & ward at his Majesty's Fort William & Mary during the winter season, & that the pay of the soldiers be four pounds ten shillings New Tenor pr month wages to be paid when the Muster Roll shall be made up and allowed by the General Assembly, That provision be made by Thomas Bell Esq. for Billiting them that he supply them with the usual quantity of meat bread & peas, and one gill Rum pr day and be allowed two shills & six pence pr day for each man so supply'd.

Sent up by Saml Emerson Esq. in ye afternoon. [Concurred.]

[p. 302.] Voted That all officers and other persons that have Recd Publick money out of the Treasury immediately render an

acc^{t} of the disposal there of and that the Treasurer's acc^{t} be laid before the General Assembly without any further delay.

Sent up by John Knight Esq. ye 17th day. [Concurred.]

Mr. Speaker adjourned till 3 o'clock

P. M.

Voted That Henry Sherburne jun. Coll^{o} Peter Gilman, Joseph Smith, Esqs & Capt. Thomas W^{k} Waldron be a Comittee of this house to prepare an Answer to his Excellencys Speech of the 14th Inst. & lay the same before the Genl Assembly as soon as may be.

Tuesday, December 20th 1757, P. M.

[p. 304.] This afternoon spent in confering on ways & means to suply the Treasury with money to pay off the soldiers Employed in this Governm^{ts} service this year under ye command of his Excellency the Earl of Loudoun & in finding out ways and means to sink the Canada money &c.

Letter from Govr Wentworth to Sec^{y} Atkinson.

[Copied from MS. Corr. Vol. III, p. 105.]

Portsmouth, 20th, 1757.

Sir—

I return the votes you sent down. The vote for taking out ten thousand pounds out of the Box is unnecessary unless it is intended to find you work, for the last ten thousand by the act may be taken out as well as the first, & by the act the Com^{tee} are to place it in the Treasury by the 25th of Decr. As to the vote for Muster Rolls I must be excused from signing that, The Council and Assembly may nevertheless for their own satisfaction examine them as there is no officer appointed.

I send you Capt. Goffe's return, which may be of use to such of the officers as have lost their papers on making up their Rolls. I am sorry I had no answer to my Speech, last week. I am also concerned that I had not the grant of 50 men to send Lord Loudoun; as soon as there is a house, I hope you will [do] all you can to forward it, it may have a bad effect if it should be delayed longer: it must give Lord Loudoun great cause of complaint against the government, and such a complaint will get home in a bad time.

I am Sir, your most hum. Servt.
B. Wentworth.

Col^{o} Atkinson.

[p. 305.] Voted, That there be a new Goal Built in the Town of Portsmouth in the Province of New Hampshire as soon as conveniently may be, of such material and Dimensions as shall hereafter be agreed upon by the General Assembly, and that Eleazer Russell Esq. be a Committee of this house to joyn with such as may be appointed by the Honble Council to look out a suitable piece of ground to Build a Goal upon, and make Inquiry what the

same may be purchased for, & make Report thereof unto the General Assembly as soon as may be.

Sent up by Messrs Bell & Richardson. [Concurred.]

Mr. Sec^{y} Brot down the Massachusetts Act Relateing the Billeting of soldiers in the Massachusetts mentioned in his Excellency's speech the 14th Instant. (1)

Mr. Speaker adjourned till 3 o'clock.

P. M.

Whereas the vote of the Council & Assembly of the 28th of April last for granting unto his Excellency the Sum of Four hundred pounds new Tenor for his moré Honble & ample support was not assented to by his Excellency the Governor, and by the late prorogations is Rendered ineffectual, Therefore

Voted, That there be allowed & paid unto his Excellency Benning Wentworth Esq. Governor & Commander in Chief in and over the province of New Hampshire, out of the money that is or shall be in the Treasury the sum of Five hundred pounds new Tenor for his more Honble & ample support unto the 12th Day of Decr 1757, and y^{t} his Excell^{y} draw ye same out of ye Treasury by his warrant by & with ye advice of his Majesty's Council.

Sent up by Messrs Hale & French. [Concurred.]

Mem^{o}. This vote was returned, May 25th 1758, and another vote for £828 : 2 : 6 sent up instead thereof the same day.

[p. 306.] Whereas the vote of the Council & Assembly of the 28th of April last for granting unto his Excellency the sum of one hundred and fifty pounds new Tenor for house Rent was not assented to by his Excellency the Governor, and by the late prorogations is rendered ineffectual, Therefore

Voted That there be allowed and paid unto his Excellency Benning Wentworth, Esq. Governor and Commander in chief in and over the Province of New Hampshire out of the money that is or shall be in the Treasury, the sum of one hundred and fifty pounds New Tenor for two years house Rent from the 12th of June 1755 to the 12th of June 1757, And that his Excellency draw the same out of the Treasury by his Warrant. Sent up by Messrs. Hale and French. [Concurred.]

Mr. Sec^{y} Brot Down Mr. Peter Bours letter of New Port relating sundry Provisions Sent Coll^{o} Blanchard by the Rhode Island Commissary in 1757.

Letters &c. from Mr. Peter Bours to Hon. Theo. Atkinson.

[Copied from MS. Corr. Vol. III. pp. 101–103.]

Newport on Rhode Island Oct. 5th 1757.

Sir—

This Colony having appointed me, in Conjunction with some other Gentlemen, a Committee to transact all the affairs so far as we have been

(1) The Massachusetts Act is not found.—Ed.

Concerned relating to the Western Expeditions, and as we are endeavouring for a Settlement, I beg leave to recommend to your care an account of a Quantity of Provisions delivered at Lake George by our Commissary to Colonel Blanchard, for the use of your Regiment, and for which we make no Doubt your Province will speedily reimburse us.

I am with very great esteem, Sir,
Your most obedient & most humble servant,
PETER BOURS.

The Honble Theodore Atkinson Esqr.

Dr. The Province of New Hampshire on Acc^t of Provisions d^d at Lake George, with the Colony of Rhode Island; Cr. 1755, October 4th.

To Sundries supply'd your Regim^t with, pr. Coll^o Blanchard's Rec^t.

18 C. 1 qr. 10 lbs. Bread, at 16s. New York	£16: 9:9
4 bbls. & 38 lbs. pork at 80s. ?	16:14:
26 quarts of Rice, 56 lbs. at 20s pr C.	10:
6 lb Sugar at 6^d	3:
2 Gals Rum at 2^s 6^d.	5:
	£34: 1:9
To amount of transporting the above articles from Albany to Lake George which took 3 wagons at least, and each wagon was paid, £5	£15: 0:0
	£49: 1:9

New York Currency at 8s per dollar.

Newport Octo^r 4th 1757. Pr. Chris. Champlin, Commissary.

Rec^d from Christopher Champlin Commissary for the Colony of Rhode Island by order of Major Genl Johnson pursuant to a vote of the Council of War, eighteen hundred one Quarter and ten pounds of Bread, Four barrels and Thirty eight pounds of Pork, Twenty six Quarts of Rice, Six pounds of Sugar and Two gallons of Rum, all which I rec^d at Lake George for part support of the New Hampshire Regiment on account of Said Province, clear of all charge of Transportation &c. Being paid by s^d Chris. Champlin, as witness my hand at Camp Lake George this fourth day of October A. D. 1755.

Joseph Blanchard, Coll^o

Thursday, Decr 22^d 1757.

Met according to adjournment.

Whereas the vote of the Council & Assembly of ye 23^d Decr 1756 for building a State house was not assented to by his Excellency the Governor, and by the late Prorogations is rendered Ineffectual and Whereas by the Act for the emitting the sum of Twenty five Thousand pounds upon loan there is provision made by part of the Interest thereof, viz. The Sum of Two thousand pounds for Building a State house in the town of Portsm^o, which house is not yet Built, and whereas it is necessary there be such a House built for [p. 307.] the conveniency of the sitting of the General Assembly & the holding the several Courts in this Province, and Whereas the Said sum is judged insufficient therefore,

Voted That the sum of five hundred pounds new Tenor be added thereto, and paid out of any un-appropriated money that is or may be in the Treasury, and that Henry Sherburne Junr. & Clement March Esqs. be a Comittee of this house to joyn with such as shall be appointed by the Honble Council to let out the building of said house to such person or persons as will build the same in the best manner, and such form as they shall think Proper, and at the cheapest rate not exceeding the said sum of Two thousand Five hundred pounds New Tenor, and that if it be let out to draw out of the Treasury the Said sum of £2500 New Tenor for the use & Business aforesaid or so much thereof as shall be necessary & that they agree on some suitable place to set the said house and render an acc^{t} of their Proceedings Relating to the said affair unto the General Assembly from time to time as the circumstances of the case shall be.

Sent up by Messrs Bell & Richardson. [Concurred.]

Voted, That Eleazer Russell Esq. be a Committee of this house to joyn with such as shall be appointed by the Honble Council to farm out the Excise upon Liquors within this Province to the highest bidder for the space of Eight months from the first day of Jany 1758, inclusively, that they give public notice in writing of the time & place of sale, and that they advertise the same in the New Hamp^{r} Gazette three weeks successively & take Bonds with suretys from the person to whom the same shall be sold payable to ye Treasurer of this Province for the time being in two equal payments & take a Rec^{t} for the same from the Treasurer unto whom the said Bonds are to be Delivered by s^{d} Committee, and make Report of their doings to the General Assembly as soon as may be. Sent up by Mr. Seavey. [Concurred.]

[p. 309.] Fryday Decr 23^{d}, 1757.

Met according to adjournm^{t}.

Whereas Saml Heard of Dover a soldier in the Crown point Expedition in the year 1756, in Coll^{o} Nathl Meserves Regim^{t} having represented to this house this day his indigent circumstances and his not being able to subsist himself by reason of the loss of his leg in May 1756, and the late grant made him by this Government being spent, Therefore,

Voted That there be allowed said Heard and paid out of money in the Treasury for the Crown point Expedition, and paid to Capt Thomas W^{k} Waldron the Sum of Thirty pounds new Tenor, to be by him Delivered Said Heard as occasion may Require. Sent up by Capt. Hale.(a) [Concurred.]

(a) Jour. Coun. Dec. 23d 1757. Also [concurred] a vote of allowance to James Kelley for his expences in apprehending Daniel Meserve & others suspected for counterfeiting Province Bills, &c. (£18 : 18 : 9.)

Mr. Secy came down & Informed the house 'twas his Excys orders to him to adjourn the Genl Assembly to Tuesday the third day of Jany next to 10 o'clock before noon & said in his Majesty's name they were accordingly adjourned.

RECORDS OF HIS MAJESTY'S COUNCIL

CONTINUED FROM PAGE 38, OF THIS VOLUME.

1758–1763.

[Marginal pages correspond with the MS. Records.]

At a Council holden at Portsm° by his Excellency's Sumons on Monday Feby 6th, 1758

Present

His Excellency the Governour

Theod^r Atkinson } Esqs
Richd Wibird }

Daniel Warner, Esq.

His Excellency laid before the Board a letter from Capt John Dunkley dated on Board his Majesty's ship Enterprise Feby 5th, 1758 acquainting his Excellency of the want he was in of seamen occasioned by sickness desertion &c. and desiring his Excellency's assistance in furnishing with some seamen &c. Which being read his Excellency asked the Council what steps they would advise him to take in order to assist the service in the premises.

On which the Council did advise that his Excellency issue his orders to the sheriff that he & his officers may impress if possible [P. 110.] a number of men for the said service that are not freeholders within this Province, and to make return to his Excellency of all such impresses for his Excellencys further directions.

At a Council holden at Portsm° by his Excellency's Sumons on Fryday September the 1st, 1758.

Present

His Excellency the Governour

Theod^r Atkinson } Esqs
Richd Wibird }

Sampson Sheaffe } Esqs
Danl. Warner }

His Excellency laid before the Board two letters he rec^d from Sir William Pepperill(1), one dated yesterday the other this day inclosing letters from Mr. Waldo, &c. dated Ffalmouth the 28th & 29th of August last giving an acc^t that the enemy had attacked the

(1) The letters from Sir Wm. Pepperell cannot now be found.—ED.

Garrison at St Georges in the County of York & Province of the Mass[a] Bay, and then asked the Council what they would advise him to in the premises, which the Council taking under consideration came to the following result, viz. That it appearing by the said letters that the attack of St. Georges supposed to be made was now full seven days past and that the country sloop arrived at St. Georges the same day & that the fire ceased upon her arrival and his Excellency not having heard any thing further since are of opinion that the enemy a drawn of, & have not made any progress to the westward therefore are of opinion it would answer no good end to endeavour the sending men by sea, and therefore at present think it adviseable that his Excellency order a suitable number of the militia of this Province to be ready on the shortest notice to march into the county of York and assist his Maj[tys] subjects there in driving back the enemy in case they should make any advances to the westward.

[p. 111.] At a Council holden at Portsm[o] on Monday April 16, 1759, by his Excellency's Sumons.

Present

His Excellency the Governour.

Theodore Atkinson } Esqs
Rich[d] Wibird }

Daniel Warner Esq.

His Excellency acquainted the Board that he had rec[d] his Majesty's mandate to admit & swear Mark Hunking Wentworth(1) and James Nevin(2) Esqrs as members of his Majesty's Council for this Province and accordingly the Sec[y] to administer to them the Oaths appointed to be taken instead of the Oaths of allegiance & supremacy & also the oaths of office which was accordingly done & they respectively signed the oaths & Test & then took their place at the Board accordingly.

At a Council holden at Portsm[o] on Thursday April the 19th 1759 by his Excellencys Sumons.

Present

His Excellency the Governour.

Theod[r] Atkinson } Esqs
Rich[d] Wibird }

Dan[ll] Warner } Esqs
M. H. Wentworth }

His Excellency ordered the Sec[ry] to read at the Board a letter

(1) Mark Hunking Wentworth of Portsmouth, was the son of Lieut Gov. John Wentworth, who died in 1730, and the father of John Wentworth who received his commission as Governor of New Hampshire, 1767. He was a brother of Gov. Benning Wentworth, and died Dec. 19, 1785.—*Brewster's Ram. Vol. 1. p. 94.*—Ed.

(2) James Nevin, Esq., was of Portsmouth, one of his Majesty's Council and Collector of Customs for the Port. He died on the 6th February, 1769, in the 60th year of his age. He was much respected in his office, the duties of which he discharged with fidelity. He was born in Scotland, and was a Post Captain in the British Navy.—*Ad. Ann. Portsmo. p. 224.*—Ed.

he rec^{d} from Gen^{ll} Amherst dated New York 25th March 1759 touching the transporting the men raised in this Province for the ensuing campaign to Albany by sea & his proposal of allowance thereon.

His Excellency then acquainted the Board that the above letter was in answer to his Excellency to Gen^{ll} Amherst enclosing him the vote of both Houses of Assembly desiring the troops from this Province might be transported by water on acc^{t} of the diffi- [p. 112] culty of procuring silver money to march them by land such a great distance &c. Then his Excellency asked the Council weither they would advise that the s^{d} Troops in consequence of the said vote of Assembly should be sent by water or be marched by land. To which the Council gave it as their oppinion that it is best to march them over land, as it will be as expensive and will be attended with less uncertainty in joyning the other forces at the time & place proposed for the rendezvous.

At a Council holden at Portsm° by his Excellency's Sumons on Tuesday June the 26th 1759.

Present.

His Excellency the Govern^{r}.

Theodore Atkinson, Richd Wibird, Dan^{ll} Warner } Esqs

Joseph Newmarch, M. H. Wentworth } Esqs

His Excellency laid before the Board a letter he rec^{d} signed Anthony Wheelock dated Worcester, June 24th 1759 acquainting his Excelency that he had rec^{d} orders from Genl Amherst to make application to his Excellency for one thousand men to be sent from New Hamp^{r} That he had acquainted the Gen^{ll} that the New Hamp^{r} Regim^{t} consisted of eight hundred only one hundred of which was posted at No. (4) so but seven hundred could be expected to joyn him at the Lake, and even of those according to the muster rolls between 30 & 40 were deficient besides 46 not yet arrived at Worcester.

Then his Excellency asked the Council what they advised him to in the premises.

The Council taking Mr. Wheelocks letter into consideration gave it as their oppinion that it was not advisable for his Excellency (considering the ten^{r} of the act passed by the legislature for the raising & paying the regiment) to attempt the raising the thousand men but if the 800 were not actually gone off that his Excellency would issue his orders for all such as are yet behind imediately to proceed to Albany.

At a Council holden at Portsmouth on Thursday May 10th 1759 by his Excellencys Sumons

Present.

His Excellency the Governr

Theodore Atkinson	Esqs	Danll Warner	Esqs
Richd Wibird		Joseph Newmarch	
Jno Downing		M. H. Wentworth	
Sampson Sheaffe		James Nevin	

His Excellency acquainted the Board that in consequence of their advice on the 19th of April last he had marched off part of the forces raised in this Province for the Expedition agt Canada by land but by an officer he had previously dispatched to Worcester to enquire of the officer of his Majties magazine there he understood there was no provision provided for this regiment there & then asked the Council what they would advise him to do in the premises. Upon which the Council did advise that his Excellency imediately give orders for impressing such a number of oxen & carts &c as may be necessary for the transportation of provisions for the regiment, and also his orders for purchasing as much provisions as may be necessary for their subsistance to Albany the Council being of opinion that the sending the men by land will be the most certain way to have the troops at the place of rendezvous in season.

[p. 114.] At a Council holden at Portsmo on Saturday May 10th 1760, by his Excellencys sumons.

Present

His Excellency the Governour

Theodore Atkinson	Esqrs	Danll Warner	Esqrs
Richd Wlbird		James Nevin	

The Secy by his Excellencys order acquainted the Council that the regiments raised in this Province for the Expedition agt Canada were to March without loss of time from Lytchfield to Charlestown on Connecticut river which being thro' an unsettled Country and uncertain weither provisions could be got there he tho't it necessary to send provisions to Lytchfield to supply them from thence to Charlestown the place by the Genll appointed for their rendezvous and asked the Council's advice thereon as also about a supply of Arms &c.

The Council taking the same under consideration offer it as their advise that his Excellency give orders for so much provision as will be necessary to victual the regiment from Lytchfield to Charlestown—and cause the same to be transported to Lytchfield that they being apprehensive there is not a sufficient supply in the

Treasury to pay this expence but as the Gen[ll] Assembly stands adjourned to Tuesday next money will not be wanted til that day when if his Excellency pleases to let them set, provisions may be made to defray the expence. Tis possible that many of the regiments would chuse to receive money & provide provisions for themselves which if so would save the expence of transporting provisions &c., if his Excellency should think proper to give such a liberty. Tis also the opinion of the Council that a sufficient number of arms should be supply'd the men to guard the regiment on their way to Crown Point but as many of the men will carry their own arms tis uncertain what number if any will be wanting and as there are some in the stores that his Excellency can order to them the Council beg leave to give their definitive advise on this head on a future day.

[P. 115.] At a Council holden at Portsm[o] according to his Excellencys Sumons on Wednesday June 11th 1760.

Present

His Excellency the Govern[r]

Theodore Atkinson	Esqrs	Daniel Warner	Esqrs
Jno Downing		Joseph Newmarch	
Sampson Sheaffe		M. H. Wentworth	

The Secretary by his Excellencys order acquainted the Board that the grantees of several townships granted by his Excellencys Charters with advice of Council had represented to him that since the granting the said townships they had been at great expence in & about the same respectively but were hitherto prevented in bringing forward the settlement thereon agreeable to the letter of [P. 116.] the conditions in their respective charters by French & Indian Wars which has rendered it impracticable either to remain or labour upon the said grants and having supplycated a further time might be allowed them to compleat the performance of the condition of settlements &c.

The Council taking the same under consideration & it appearing to them that many of the townships had settlements begun & that they would have been bro't forward agreeable to the conditions of the grant had not the frequent incurtions of the enemy and their being many of the grantees called upon to go into the war rendered it impracticable—Therefore give it as their advice that his Excellency be desired to grant as he may think proper to such grantees as he shall judge worthy thereof considering the consequences of the said warr and the necessary impediments occasioned thereby—

His Excellency also informed the Board that he had received advice that sundry ill disposed persons had entred upon the Kings lands on Connecticut river in this Province and had cut and made

waist on the Kings timbers and was making settlements on his Maj^{ties} unappropriated lands in that quarter without lycence for so doing & then asked the Council weither they would advise him to issue a proclamation forbidding such practices &c upon sever penalties. To which the Council did consent & advise unanimously—

Province of New Hamp^{r}

At a Council holden at Portsmouth according to his Excellencys Sumons on Tuesday October 28th 1760.

Present.

His Excellency the Govern^{r}

[p. 117.] Theodore Atkinson, Richd Wibird, Jno Downing } Esqs
Dan^{ll} Warner, M. H. Wentworth, James Nevin } Esqs

The Sec^{y} by his Excellencys order laid before the Board a letter he rec^{d} from Joseph Mead Esq. Commander of his Maj^{tys} Storeship Crown now in the River of Piscataqua dated the 28th Inst acquainting his Excellency that the desertion from his Maj^{ties} said storeship under his command being so great since his arrival in this harbour as to put it out of his power to carry the ship to sea without a fresh supply of hands &c. And it having been intimated to him by some of the principal Inhabitants of this Province that the impressing men from provisions & wood vessells & other small craft would distress this Province to a much greater degree for want of such seasonable supply than the benefit that might arise to his Maj^{tys} service by the small number of men which might be impressed from these small craft would compensate that twas not his intention in the least degree to occasion any such distress but to man his ship with the greatest ease & dispatch the circumstances of things would admit—Therefore he proposed that if his Excellency would please to furnish him when he should be ready to sail with an equal number of men (to those he had or might loose) to carry the ship to Nantasket rhode in Boston harbour he would discharge those men so sent into such vessell as are bound to Boston in the room of such men as he should impress, and that he would not press a man out of any vessell that should come in or sail out while he staid in this harbour. After which his Excellency desired the advice of the Council on the purport of the above letter what would be proper or could be done in the premises to answer the end proposed.

[p. 118.] The Council taking the said letter under consideration came to the following determination viz.

That Capt. Mead does not say the men furnished him shall be discharged on his arrival at Nantasket nor is any certain number

mentioned that he may want nor how they are to be paid without which the Council cannot advise his Excellency to make any absolute engagement as the complying therewith would be impossible as matters may be circumstanced. If these particulars were explaind such a number as 20 or 25 might probably be supplyd and these must chiefly be masters & mates of vessells as sailors are now exceeding scarce here & not to be got for the merchants service and as men will not be prevailed upon to engage without greater waiges than is given in his Majesty's service, the Council have not it in their power to engage to pay them but will lay Capt. Meads proposal before the merchants who will we doubt not joyn their endeavours in this supply & if the above particulars are explaind the Council apprehend Capt. Mead may be furnished in season.

At a Council holden at Portsmouth on Thursday December the 11th 1760 by his Excellencys Sumons.

Present

His Excellency the Governor—

Theodore Atkinson Richd Wibird Danll Warner	Esqs	James Nevin M. H. Wentworth	Esqs

[p. 119.] His Excellency ordered the Secy to read at the Board a letter he received from Joseph Mead Esq. Commander of his Majtys store ship the Crown dated the 8th Instant setting forth that by the countenance which the people of this Province had shewn to diserters from his Majtys said ship and for want of such regulations as some provinces on the Continent are provided with for taking up straglers his Majtys storeship Crown under his command was not in a condition to proceed to sea without the assistance of twenty seamen to carry her to England and that it has been always the custom in such want of men for his Majesty's service to lay an embargo on the outward bound trade till his Majestys ship or ships have been supplyd. Therefore hoped his Excellency would give or cause to be given such necessary orders for maning the Crown Storeship as may be the means of oblitterating such bad impressions as the former behaviour of this Province to his Majtys ships have justly intituled them to—

Which being read his Excellency asked the Councils advice thereon—The Council takeing the letter into consideration are of oppinion that the whole of the said letter is very asuming and full of unjust reflections all of which cannot be imputed to Capt Meads being unacquainted with the country, his own letter to Governor Barnard printed in the Boston Newspapers shew the men he lost did not remain in this Province but passed imediately to Boston—

his other reflections may possibly arise from his not being acquainted with perticulars he seems to refer to however as the service rather than the manner of the applycation should be the thing in view, and which the Council would willingly assist in & have by a former resolve don what they then tho't (& by Capt Meads representation) would have answered his end and are still of the same oppinion but that opportunity being now lost we know not what to advise to that would answer any good end they cannot advise your Excellency to impress inhabitants & free holders that has always been deemed an infraction of the liberty of his Maj^{tys} subjects here without a perticular Act of Assembly therefor—A Warr^{t} of impress without exempting the freeholder would put the whole Province into disorder & the town of Portsm^{o} will be as much distressed in their avenues by land as they have been by the Crown lying at the mouth of the Port & pressing persons without distinction out of vessels that are bring^{g} wood fish &c by water—

As to an embargo upon the outward bound trade the Council are of oppinion it would by no means answer the end proposed & can by no means advise to it in this case under the present situation of the trade here.

[Note.—The first letter of Capt. Mead, has not been found; but the following from him is copied from MS. Corr. Vol. III. p. 173.]]

Crown, October 31st 1760.

Sir—As I waited on you agreeable to your kind request it gave me great concern to hear you was so much indisposed, but flatter myself with the hopes of this day producing an agreeable alteration.

In order to Remove the difficulties which appeared to his Maj^{tys} Council on the 28th Inst. I shall be satisfied with twenty-five men, one half seamen, the other able bodied fisher men, to be entered on board as soon as the Crown is fitt for sea, or as much sooner as they please, provided they assist in lading and fitting out the ship. They shall be discharged in fourteen days, after my arrival in Nantasket, or sooner if I shall have gott my complement before that time is expired, for which they are to be paid according to the custom of the Navy in paying Seamen in this Service.

I beg the favour of an answer before Tuesday morning for if this is not complied with, my duty directs me to turn my thoughts some other way for manning the ship.

I am with great respect,
Your Excellencies, most obe^{dt} Humble servant.
Joseph Mead.

His Ex^{cy} Benning Wentworth, Esq. Govr &c. &c.

Letter of Secretary Atkinson to Capt. Mead.

[Copied from MS. Corr. Vol. III. p. 175.]

Portsm^{o} November 3^{d} 1760.

Sir—

Since his Excellency the Governr has laid your letter of the 30 ult^{o} before his Majesty's Council, they laid your Proposals therein before the Merch^{ts} &c. who joyn with the Council in oppinion that the Number of men may be furnished you, but they hesitate at the length of time you

Propose to detain them after your arrival at Nantasket; if the time can be contracted to Twenty four Hours, I am in hopes you'l meet no other difficulty.

The men desire (in order to miss the Town of Boston,) they may be landed on Point Shirley which cannot be attended with any difficulty to you as it will be a shorter Pass from your ship, than landing them at Boston.

You will receive this by Capt. King who has been Industriously active in this affair and can inform you the Particulars & will occasionally afford you any assistance in getting your Cargo on Board.

I am your most obedient
Humble servt

On his Majesty's service — THEODr ATKINSON, Secy.
To Joseph Mead, Esq.
Commander of his Majesty's storeship
Crown, now in the Port of Piscataqua,
Pr. Capt. King.

[P. 120.] At a Council holden at Portsmo, on Wednesday July 1, 1762(?) according to his Excellencys sumons.

Present.

His Excellency the Governr

Theodore Atkinson	Esqs	Danll Warner	Esqs
Richd Wibird		M. H. Wentworth	
John Downing		Jas. Nevin	

His Excellency laid before the Board a plan lately taken by Joseph Blanchard Esq. Etc. of Connecticut river from the nothermost end of Charlestown to the upper or northerly end of a place in said river called Co-os with a treble tier of towns on each side the said river and also a number of petitions from his Majestys subjects inhabiting his other governments as well as sundry of the inhabitants of this Governmt desiring they might have grants of townships in some of his majestys lands within this Province upon the conditions &c agreeable to his Majestys Instructions & then his Excellency asked the Council weither they would advise to the granting the lands aforesaid to such of his Majestys subjects as should be likely to make an imediate settlement & improvement thereon agreeable to the usual conditions &c to which his Majestys Council did unanimously consent & advise.

[P. 121.] At a Council holden at Portsmo by his Excellencys sumons on Thursday the 24 of December 1761.

Present.

His Excellency the Governor.

Theodore Atkinson	Esqs	Daniel Warner	Esqs
Richd Wibird		Joseph Newmarch	
Jno Downing		M. H. Wentworth	

His Excellency acquainted the Board that he had receiv'd his present Majestys Comission revoking the Commission he had for Governor from his late Maj^{tys} King George the 2^{d} & for appointing Govern^{r} &c de novo and ordered the same to be read which was accordingly done then his Excellency took the oaths prescribed in the s^{d} commission.

His Excellency [then] gave the list of the Council^{rs} as they were named and stationed in his Maj^{ties} Instructions which were as follows—viz—

The order of his Majestys Council viz—

The Honble Theodore Atkinson	Daniel Warner, Joseph Newmarch, M. H. Wentworth — Esqs
Richd Wibird	James Nevin
Saml Smith	William Temple(1)
Jno Downing	John Nellson(2) and
Sampson Sheaffe	Henry Apthorp(3)

Then his Excellency ordered that those of his Majesty's Council then present should take the usual oaths of qualification & oath of office which were accordingly administered to all those present viz to

Theodore Atkinson, Richd Wibird, Jno Downing, Daniel Warner — Esqs	Joseph Newmarch, Mark Hunking Wentworth & William Temple — Esqs

His Excellency acquainted the Board that there was at present no assembly of this Province in being & he tho't for his Majestys service to call one & asked what the Council advised to—the Council gave their advise to the calling one imediately.

His Excellency ordered the Sec^{ry} to read at the Board 2 letters he rec^{d} from Mr Sec^{y} Pitt dated White Hall dated the 11th & 28th September last giveing an acco^{t} of His Majestys marriage with the Princess Charlotte of ——— and of her coronation as Queen of Great Britain &c—which being read his Excellency ask'd weither they tho't adviseable to take any further notice thereof than publishing the same in the newspapers. The Council gave it as their opinion that some publick notice ought to be taken thereof.

(1) William Temple, Esq., was of Portsmouth.—Ed.

(2) John Nelson was of Portsmouth. He went to Grenada, where it is believed he died about 1795.—Ed.

(3) It does not appear that either Mr. Nelson or Henry Apthorp ever took the oath of office, or sat as members of his Majesty's Council.—Ed.

[P. 122.] At a Council holden at Portsmouth on Thursday Jany 7th 1762.

Present

His Excellency the Governor

Theodore Atkinson Richd Wibird Daniel Warner	Esqs	Mark Hunking Wentworth William Temple	Esqs

The Sec^{ry} by his Excellencys order laid before the Board a petition from the Inhabitants of the township of Amherst setting forth that the Charter of Incorporation for said township being made temporary and to have continuance for two years only namely til the first day of January 1762, which time being elapsed and his Majesty not having signified his pleasure touching the premises and it being found beneficial to the inhabitants to be under such regulations as mentioned in the aforesaid charter especially in assessing & collecting the rates & taxes required of them and other good purposes in the s^{d} Charter mentioned & therefore praying that the said Charter might perpetuate or for such time as the Governor & Council should think proper.

And then the Sec^{ry} asked the Council what they would advise the Governor to do in the premises—Who unanimously gave their advise and consent that his Excellency continue to the said inhabitants the privileges & imunities in the aforesaid Charter mentioned until his Majesty shall be pleased to signify his approbation or disallowance of the same.

[P. 123.] At a Council holden at Portsm^{o} according to his Excellencys sumons on Fryday Jan^{ry} 15th 1762.

Present.

His Excellency the Govern^{r}

Theod^{r} Atkinson Richd Wibird	Esqs	Daniel Warner Wm Temple	Esqs

The Sec^{ry} by his Excellencys order acquainted the Board that he had rec^{d} a letter from the Honble John Temple Esq. who is appointed Lieut. Govern^{r} of this Province acquainting him of his intention of being in this Province on Tuesday next that he had ordered an escort from Coll Downings House to wait upon him on the road to Portsmouth that he thought the expence of the entertainment ought to be borne by the Province and asked the Councils opinion & advice thereon who gave their advice that they thought proper that the Province should be at the expense & desired his Excellency would give such orders thereon as he might think proper.

At a Council holden at Portsmouth by his Excellencys sumons on Tuesday January 19th 1762.

Present.

His Excellency the Governour.

Theodore Atkinson	Esqs	Daniel Warner	Esqs
Richard Wibird		Mark Hg Wentworth	
Joseph Newmarch		William Temple	

The Honble John Temple(1) Esq produced his Commission as Lieut. Governour of this Province which was read at the Council Board & then the Oaths appointed instead of the Oaths of allegiance & supremacy were administered to him which he took and subscribed the same.

Commission of John Temple, Esq. Lieut. Governor.

[Copied from Book of Commissions, in Secys office 1749 to 1828, p. 15.]

GEORGE R.

[L. S]

George the Third by the Grace of God, King of Great Britain, France & Ireland, Defender of the Faith, &c.

To our Trusty & well beloved John Temple, Esq.

We reposing especial Trust & Confidence in your Loyalty, Integrity & ability, do by these Presents constitute & appoint you to be our Lieutenant Governour of our Province of New Hampr in America, To have, hold, exercise & Enjoy the said Place & office during our Pleasure with all Rights Privileges, Profits, Perquisites & Advantages to the same belonging or appertaining; & further in case of the Death or during the absence of our Capt. General & Governr in Chief of our sd Province of New Hampr now & for the time being, We do authorize & require you to Exercise & perform all and singular the Powers & Directions contained in our Commission to our said Captain General & Governor in chief according to such Instructions as he hath already receiv'd from us & such further orders & Instructions as he or you shall hereafter receive from us—and we do hereby command all & singular our officers & ministers & loving subjects in our said Province and all others whom it may concern to take due notice hereof & to give their ready obedience accordingly.

Given at our Court at St. James, the fifteenth Day of June 1761, in the first year of our Reign.

By his Majesty's Command

WM. PITT.

Province of New Hampr, Jany 19th 1762.

The Honble John Temple Esq. took the Oaths appointed in stead of the Oaths of allegiance & Supremacy &c. before the Govr & Council.

Attest. Theodore Atkinson, Secy.

NOTE.

It appears that Lt. Gov. Temple was Surveyor General of his Majesty's Customs in the northern part of America, and resided in Boston. He appointed Theo. Atkinson, jun., Deputy Collector of the Customs, at Piscataqua.—ED.

(1) Under date of January 19th 1762, Adams, in his Annals of Portsmouth, says. "The Honourable John Temple, Lieutenant Governor of this Province arrived in town. He was escorted by a troop of horse. On his arrival at the Council Chamber, his Commission was published, and he took the oath required by law. He was also appointed Surveyor General of the King's Customs in the northern district of America.—ED.

[p. 124.] At a Council holden at Portsmouth by his Excellencys sumons on Tuesday Feby 2^{d} 1762.

Present

His Excellency the Governour—

Theodore Atkinson Richd Wibird John Downing	Esqrs	Daniel Warner Joseph Newmarch Mark Hunking Wentworth	Esqrs

Theodore Atkinson jun^{r} Esq, having received his Excellencys Commission appointing him Sec^{ry} of the Province, he took the several oaths required to be taken instead of the oaths of allegiance & supremacy & subscribed the Tests &c. & also took the oath of office.

Commission of Theodore Atkinson, jun. Secretary of the Province.

[Copied from Book of Commissions in Secy^{s} office, 1747–1828, p. 21.]

[L. S.]

GEORGE the Third by the Grace of God of Great Britain, France & Ireland, King, Defender of the Faith, &c.

To THEODORE ATKINSON, Junr Esq. Greeting :

Know you, That We, reposing Especial Trust & Confidence in the Loyalty, skill and ability of you the said Theodore Atkinson, have tho't fit to constitute & appoint, and by these presents Do Constitute & appoint you to be our Secretary of our Province of New Hamp^{r} in New England. And We do hereby require & command you to do & Execute all things in due manner that shall belong to the office of Secretary within our said Province. And we do hereby give & grant unto you the said Theodore Atkinson All the Fees, Profits, Priviledges, Perquisites & Advantages to the said office of Secretary belonging or in any wise appertaining, according to the Laws, usage, & Custom of our said Province of New Hampshire:

To have and to Hold unto the said Theodore Atkinson the said place & office of Secretary with all the Fees, Profits, Priviledges & Advantages to the same belonging as aforesaid, during our Will & Pleasure, and with full Power to Demand & Receive all Records and Files belonging to the aforesaid office.

In Testimony whereof we have caused the Seal of our Said Province to be hereunto affixed,—Witness BENNING WENTWORTH, Esq. our Governor & Commander in Chief in & over said Province of New Hampshire, the Twenty seventh Day of January in the second year of our Reign, Annoq. Domini 1762.

B. WENTWORTH.

By his Excellency's Command
Theodore Atkinson, Sec^{y}.

Province of New Hampshire, In Council, Feby 2^{d}, 1762.

The above mentioned Theodore Atkinson took the oaths appointed instead of the oaths of allegiance & also the oath of office.

Attest—Theodore Atkinson, jun. Sec^{y}.

[p. 125.] At a Council holden at Portsmouth by his Excellency's Summons on Thursday Feb^{ry} 11th 1762.

Present.

His Excellency Benning Wentworth Esq. Govr & Commander in Chief.

Theodore Atkinson, Richd Wibird, Daniel Warner } Esqrs
Mark H. Wentworth, William Temple } Esqrs.

His Excellency asked the Council's advice in sending out a Precept for a New Assembly, who gave their advice that it might be done as soon as it could conveniently—

The Govr then laid before them a Precept calculated for that purpose which was read at the Board and advised to.

At a Council holden at Portsmouth by his Excellencys Summons on Monday April 19th 1762.

Present.

His Excellency Benning Wentworth Esq Govr in Chief.

Theodore Atkinson, Daniel Warner } Esqs
Mark H^{g} Wentworth, William Temple } Esqs

His Excellency directed the Secretary to read at the Board a letter dated White Hall Jany 7th 1762, which he received from the Earl of Egremont one of his Majestys principal Secretarys of state inclosing his Declaration of War against Spain dated at the Court of St James Jany 2^{d} 1762 & directing his Excellency to cause s^{d} Declaration to be proclaimed in this Province.

And then his Excellency order'd the s^{d} Declaration to be proclaimed in the Council Chamber at the Parade in Portsmouth & other usual places which was accordingly done. His Excellency prorogued the General Assembly by proclamation to Tuesday the 11th of May next.

[p. 126.] At a Council holden at Portsmouth by his Excellencys Sumons on Wednesday May 19th 1762.

Present.

His Excellency the Governor.

Theodore Atkinson, Richard Wibird } Esqs
Daniel Warner, Mark Hunk^{s} Wentworth } Esqs

His Excellency laid before the Board a petition from sundry the inhabitants of Portsmouth touching the scarcity and dearness

of provisions &c. & asked the Council what they advised him to do in the premises. Upon which the Council did advize that a prohibition or embargo be laid upon the exportation of any so rt of provisions being carryed out of the Port.

At a Council & General Assembly holden at Portsm° by his Excellencys Sumons on Tuesday July 20th 1762.

Present

His Excellency B. Wentworth Esq. Govern^r

Theodore Atkinson, Daniel Warner, Joseph Newmarch } Esqs
James Nevin, Wm. Temple } Esqs

His Excellency acquainted the Board that he had received advice of a fleet of French men-of-War, that lately been at Newfoundland & plundered several harbours but whither bound was uncertain, at the same time acquainted the Council that his Majestys Fort at Newcastle wanted both men & repairs to put it into some tolerable scituation of defence in case the enemy should attempt any desent and asked the advice of the Council in the premises.

The Council gave their oppinion that the said fort should be imediately put into as good repair as the time will admit of & desired his Excellency would cause such repairs as he shall think necessary immediately don & such a number of men placed there as may be sufficient to put the artilery there in a proper condition for use.

At the same [time] Levert Hubbard Esq. having rec^d a commis-
[p. 127.] sion from the Surveyor General of the Customs appointing him Comptrol^r of his Majestys Customs for thePort of Piscataqua took the oaths appointed instead of the oaths of allegiance & supremacy & subscribed the Test &c & also the oath of office.

At a Council holden at Portsm° on Wednesday May 25th 1763, by his Excellencys Sumons.

Present

His Excellency B. Wentworth Esq. Govern^r

Theodore Atkinson, Jno. Downing, Daniel Warner } Esqs
Joseph Newmarch, James Nevin } Esqs

His Excellency laid before the Board his Majesty's Mandamus to admit & swear into his Maj^{tys} Council for this Province, Theodore Atkinson jun^{r} & Nathaniel Barrell, Esqs. which was accordingly done & they severally took the oaths appointed instead of the oaths of allegiance & supremacy, & also the oaths usually administered to the members of his Majesty's Council & took the places at the Board accordingly.

JOURNAL OF THE HOUSE.

RESUMED FROM PAGE 618 OF THIS VOLUME.

[P. 310.] Tuesday Jany 3^{d} 1758.

[Not being a quorum, adjourned till Wednesday 3, o'clock P. M. when, in the absence of the Speaker, Coll^{o} Peter Gillman Esq. was chosen Speaker pro tempore.]

Thursday Jany 5th 1758. (1)

Mr. Secretary Brot Down his Excellency's mess^{a} to the house of ye 3^{d} of Jany Relating the Riots, & his Excellency's message to both houses of ye 3^{d} Instant, & the several papers therein Referre^{d} to all which was read & copys on file.

Governor's Message.

[Copied from MS. Gov^{rs} Messages, Vol. II. p. 477.]

Gentlemen of the Assembly—

On the 22^{d} of the last month in the evening a tumultuous mobb Assembled at Portsmouth and wrested out of the Possession of the men that had the charge of her, the Longboat belonging to his Majesties ship Enterprise, John Donkley Esq. Commander, by this act of violence the sails, Rigging and almost all the Materials belonging to said boat were either stole or destroyed. Upon Capt. Donkley's informing me of their tumult and the mischief that must arise from it to his Majesty's service, I lost no time in convening his Majesties Council for their advice, in what manner it was necessary to proceed. The Council with one voice to show their abhorrence to such a dangerous tumult, advised that for the present, I should Issue my orders for removing the boat to some public part where she might be repaired, and put into as good a condition in all respects as she was in, when taken out of his Majesties service by the mob, which I have accordingly done.

The House I make no doubt, will on this occasion exert themselves, as well to show their zeal for his Majesties service, as their detestation

(1) In the Journal of the House is the following minute: "The Hon. Henry Sherburne, Esq. was Buried this afternoon. The Council & house all attended the funeral." Hon. Henry Sherburne, senior member of his Majesty's Council, was a grandson of the first Henry Sherburne who came to this country 1631. He was born in 1674, and was married to Dorothy Wentworth, sister of the first Lt. Gov. John W. Henry Sherburne's house was at the head of the pier, on the corner of State and Water streets, next the spot now occupied by the Stone yard. It was of two stories, and probably the first brick house built in Portsmouth. For many years previous to the destruction by fire in 1813, it was a public house, known as the *Portsmouth Hotel.* He died Dec. 29, 1757, aged 83. See Brewster's Ram. Vol. II, p. 46.—ED.

of this open act of violence, and resolve on measures that may bring the abettors, contrivers and actors of the Riot to condign punishment, in the Execution whereof, you may rely on my assistance and vigilance.

B. WENTWORTH.

Council Chamber in
Portsmouth, January the
3d 1758.

[Copied from MS. Govrs Messages, Vol. III. p. 3.]

*Gentlemen of the Council
and of the Assembly,*

Yesterday at Eleven o'clock an Express delivered me a letter signed Andrew Oliver, inclosing a Vote passed the General Assembly of the Massachusetts respecting the appointment of Commissioners to meet at Boston, to confer on measures that may tend to the safety & defence of the New England Colonys.

When the Secretary lays these Papers before you, which I have directed him to do, I must recommend, that you have in view the Honour, Interest & safety of the Province, otherwise your Consultations will cary but little weight with them.

B. WENTWORTH.

Council Chamber in
Portsmouth, January 3d, 1758.

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*Gentlemen of the Council
and of the Assembly—*

Since my Message to both Houses as above, I have received by Express a letter from Lord Loudoun at New York the 26th of December, and as I cannot express my Sentiments on the demand his Lordship makes on this Province in stronger terms than he has done, I shall direct the Secretary to lay his letter before you for your consideration, in full expectation that you will without any hesitation act consistently in every respect, and fully comply with his Lordships commands.

And that you may be made sensible how anxious my Lord is, in prepareing to act offensively against the Enemy, & at the same time he is watchfull that our frontiers are secured from the Insults of the Enemy, he has directed that this Express waits for my answer to his Letter: Accordingly I have detained the express until Wednesday noon.

B. WENTWORTH.

Council Chamber in
Portsmouth, January the 3d 1758.

The Earl of Loudoun's letter relating to Rangers.

[Copied from MS. Govrs Messages, Vol. III. p. 5.]

New York, Dec. 26th 1757.

SIR—

I have Received the Favour of your two Letters of ye 1st & 8th of Decr As to the officer that Went home with his Party, it certainly was extremely wrong, as it makes a clamour among the other Provinces, & I dare say you will take such measures, that such things will not happen for the future, for which Reason I shall say no more on that head at present.

The point I mean to write on at present is the Rangers I applied to you for in Sept last in conjunction with the other provinces which I can have no Doubt you will have settled with the Assembly before this can come

to your hands, as you so well know the bad consequences that do attend any Province brakeing off from a General Measure.

Therefore I shall take that for granted, & now must desire that you will march them directly to No. 4, which is in your own Province, & who call loudly for protection which they think the Connecticut Rangers I have placed there are not sufficient for without your Rangers are there likewise. You will observe I have destined them for the station easiest for them to go to, & where they may be employed in the immediate Protection of your own province.

As your Assembly is now sitting, & as the Situation of your health may not permit you to meet me at Boston, I think it would be of use for you to settle it now, so that you may be able to send a proper person to meet me there with power to settle with me in consequence of orders I expect daily from his Majesty's Ministers, as my Time may be uncertain, but shall give you the earliest notice I can.

I am with great regard
Sir your most obedient
Humble servant

Copy Examnd. pr LOUDOUN.
Andrew Clarkson, Clerk &c.

[Copied from MS. Govrs Messages, Vol. III. p. 7.]

Letter from Andrew Oliver Esq.

Boston 30th Decr 1757.

SIR—

I now send your Excellency by Express Copy of a Vote passed the General Assembly of this Province in their present Sessions. The vote itself will shew that it comes by direction of the Government & makes it needless for me to add anything upon the subject matter of it.

I have the honor to be with very great Respect,
Sir, your Excellencys most obedt & most humble servt

ANDREW OLIVER.

His Excy Benning Wentworth Esq.

Province of the Massachusetts Bay. } In the house of Representatives, Dec. 24, 1757.

Voted That Expresses be sent to each of the Governmts of New England to desire them to appoint Commissioners to meet Commissioners to be appointed by this Government to meet at Boston on the last Wednesday in Jany next to concert measures for our mutual Defence in this time of War & great danger. Sent up for concurrence.

T. Hubbard, Speaker.

In Council Decr 24, 1757.
Read & concurred. Andrew Oliver, Secy.
Asented to T. Pownall.
(A true copy Examined.)

Answer to the above.

[Copied from MS. Corr. Vol. III, p. 110.]

Portsmouth, Jany 11th 1758.

SIR—

In consequence of the resolve of the General Assembly of your Province which the Governor laid before the Assembly I am to Inform you

that Com^rs will be sent from this Province to meet at Boston at the time appointed, provided the other New England Governments joyn in the Congress. I am,

S^r. your most hum^b serv^t,

T. A.

[p. 311.] Fryday Jany 6, 1758.

Voted That Joseph Smith, Clement March Esq. & Capt Thos W^k Waldron be a Comittee of this House to joyn with such as may be appointed by the Hon^bl Council to consider of the subject matter of his Exc^y message of the 3^d Instant to both Houses & of the several Papers therein referred to, & make Report to the Genl Assembly as soon as may be what may be proper for this Gov^t to do thereon. Sent up by Capt. Richardson. [Concurred by Council, and Committee added.]

Whereas his Excellency the Govr has been pleased by message of the 3^d Instant to inform the House that on the 22^d of last month in the evening a tumultuous mobb assembled at Portsmouth & wrested out of the Possession of the men that had the charge of her, the long boat belonging to his Majesty's ship Enterprise, Jno. Donkley Esq. Comander, (1) therefore Resolved, That the sum of £125 be paid out of money in the Treasury for contingent charges, by his Exc^ys Warrant to such person as shall give information against any Person or Persons concerned in said riots provided they be convicted thereof, and that his Exc^y be desired to issue a Proclamation accordingly. Sent up by Mr. Clerk.

[p. 312.] Capt. Jonathan Blunt Bro't into the house his acc^t of keeping Benj^a York a soldier, and of taking up and bringing Down to Portsm^o three French men, & sworn to in the house & likewise the acc^t of Moses Foster for taking up said French men & the acc^t of Doc^r Matthew Thornton for tending Benj^a York—all which is on file.

Monday Jany 9th 1758. P. M.

The Honble Joseph Newmarch Esq. Bro't down the Report of the Committee of both Houses in answer to his Excellency's Mess^a to both houses, which was read.

[Copied from MS. Corr. Vol. III, p. 115.]

Province of New Hampshire. } The Committee of both Houses, appointed yesterday to take under consideration the subject matter of his Excellencys message to the General Assembly, of the 3^d Instant with the several letters and Papers therein referred to, have read and taken the same under con-

(1) See Council Rec. p. 38, in this Vol.—Ed.

sideration. Viz. His Excellency Lord Loudoun's Letter dated New York December 26th 1757, wherein he requests to be supplied Immediately with a Number of men proposed to be fixed at No. 4, on Connecticut river, in conjunction with men of other governments for the defence thereof:—

Beg leaves to report, as the calamities of war still continue and our frontiers are open and exposed to the ravages of the Enemy, they stand in need of our aid for their defence and Protection, that it is necessary a number of men not exceeding fifty, officers included be raised and sent to No. 4, on Connecticut River to be Improved for the defence thereof, if any method can be found to defray the charge.

Also considered a vote of the Massachusetts of Decembr 24th 1757, Desiring the several Governments to appoint Commissioners to meet at Boston in January next, to concert Measures for the mutual Defence of each other, are of opinion that it will contribute to the advantage of the Government to appoint Commissioners to joyn His Excellency Lord Loudoun & the other governments in conferring together and concerting such measures to be prosecuted for the mutual Defences of, and for the Interest of the Province in this time of war and great Danger.

All which is humbly submitted by

R. Wibird, Pr order of the Comtee

Portsmouth Jany 8th 1758.

In Council the foregoing Report read and ordered to be sent down to the Honble Assembly.

Theodore Atkinson, Sec.

[p. 313.] Tuesday Jany 10th 1758.

This forenoon taken up in Debates Relative to the sending 50 men to No. 4 on Connecticut River, and of sending Commissioners to meet Lord Loudoun & the other Commissioners of ye several other Governments. Adjourned till 3 o'clock

P. M.

Whereas his Excy the Earl of Loudoun has thought it necessary for his Majesty's service to apply to the several Provinces in New England for a certain number of men to be employed this winter season for the defence of the frontiers & has by his letter to his Excy our Govr now before the Gl Assembly, desired fifty men from this Province as their Proportion to be sent to No. 4 on Connecticut River & there Posted for the defence of that part of this Province:

Voted, That his Excy the Capt. General be desired to Issue out his orders for the Enlisting or Impressing fifty good Effective men, officers included, and order them with all possible dispatch to Connecticut River for the purposes aforesaid, and that Provision be made for paying them in the same manner as for the payment of the Troops in this Govt pay last year. Sent up by Messrs Clerk & Richardson. [Concurred.]

[p. 314.] Whereas his Excy the Govr has been Pleased to lay before the Gl Assy a vote of the Genl Court of the Province of the Mass Bay of the 24th of Decr last desiring each of the Govts of

New England to appoint Comiss^{rs} to meet Com^{rs} to be appointed by that Gov^{t} the last Wednesday of Jany Instant to concert measures for the mutual defence of the several Gov^{ts}, & whereas it appears to be of great Importance that such Comiss^{rs} should be appointed to meet as aforesaid,—

Voted, That Col^{o}. Peter Gilman Esq. be & hereby is appointed on the part of this house to joyn with such as may be appointed by the Honble Council to repair to Boston at the time aforesaid & joyn with the Com^{rs} from the other Gov^{ts} of N. England in concerting proper measures for our mutual Defence & make report to the G^{l} Assembly of their proceedings for approbation & con firmation.

Sent up by Messrs Giddings & French. [Concurred.]

His Exc^{y} the Govr in his message to both houses of the 3^{d} Instant having signified that it would be agreeable to his Lordship the Earl of Loudoun that in case the situation of his Exc^{ys} health should not permit him to meet his Lordship at Boston, that some proper person should be sent with power to settle with his Lordship in consequence of orders he expected from his Majesty's ministers,

Voted, That in case his Excellency the Gov^{rs} health will not permit him to go to Boston in Person that the Hon^{bl} Theodore Atkinson Esq. be & hereby is appointed to wait upon Lord Loudoun as soon as he shall arrive at Boston, and there to transact such affairs with his Lordship or Comiss^{rs} from his Majes$^{ty's}$ other [p. 315.] Courts in N. England as shall be agreeable to such In structions as he may from time to time receive from the G^{l} Ass^{y}, & that his Exc^{y} be humbly desired to grant him his Comiss^{n} accordingly. (a)

Sent up by Messrs Clark & Richardson. [Concurred.]

(a) Vote to allow Zacheus Clough as Executor to sell a portion of real Estate, to pay debts, &c. to Jabez Clough. Journ. H. p. 315.

(b) £759 : 2 : 9. Crown Point money New Tenor, and £353 : 6 : 5¾ Louisbourg & Canada money, bro't in & burnt. Journ. H. p. 316.

(c) Jan. 12, £323 : 15 : 6. Crown Point money, and £136 : 1 : 2½ Louisburg & Canada money, N. Ten. bro't in & burnt. Journ. H. p. 317.

[Copied from MS. Gov^{rs} Mess. Vol. III. p. 9.]

Gentlemen of the Assembly,

It gives me great concern that I have repeated instances of the Mobbs Assembling, & great Interuption given thereby to the Officers employd, in his Majestys service.

With this Message the Secretary will lay before you a letter I received from Mr. Cook a Lieutenant in his Majesties Royall American Regiment, complaining of the ill treatment his recruiting party met with at Epping from the mobb, and the measures taken for their Escape.

As you have two instances now before you of the Assembling of the populace to the great dishonour of the Government & so highly preju-

dicial to his Majesty's service by sea & Land, you cannot fail of passing an act severely to punish the offenders & to prevent such tumultuous Disorders for the future.

B. WENTWORTH.

Council Chamber in
Portsmouth, Jan. 11, 1758.

Letter from Lieut. Wm. Cook of the Royal Regiment.

[Copied from MS. Corr. Vol. III. p. 111.]

Boston, Dec. 31st 1757.

SIR—

By our recruiting Instructions We are directed in all Dificultys that may occur in the service, to apply to the Governors of Provinces; as such I take the Liberty to address you, in Regard to the treatment my Party met wh in their Duty takeing up a Deserter at Brentwood, in the Province of New Hampshire; where having secured John Kenniston of the late Regt commanded by Sir Wm. Pepperill, the People in a Tumultuous & Riotous manner assembled, & seem'd to have in view, not only to Rescue the Prisoner wch they effected; but to murder the Recruiting Party, having Beat & abused them in a cruel manner, & afterwards Beset the House where my Party had fled to for shelter: The leaders of whom were Joab Kenniston, Joseph Kenniston & John Arkison; the cry was, blood for blood, to irritate the People to take revenge for a Deserter inlisted there, who was shot at Oswego; at Night a Private soldier in Disguise went wh a letter from my Sergeant to Justice Vasey acquainting him wh the above & desiring him to quell the mob. He refused to comply; said that it was too late & said he would grant a warrant in the morning. In the afternoon, observing that the mob was dispersed, the Party finding no Protection from the civil Power, made the best of their way out of Town. They had not gone far before the mob collected & pursued them four miles wh axes &c. to Kingstown, where they again beset the house that the Party was in, & next day they escaped by going four miles out of their way as the mob were gone to wait for them at Amsbury Ferry wch is on the Direct Road wch the Party should have gone. I have acquainted the Adjt General wh this affair, & beg to know your Intentions wh Regard to it, That I may communicate them to Lord Loudoun as soon as possible.

I am, wh Respect,

Sir, your most Humble & obedt servant

WM. COOK, Lieut
in the first Royal Regt.

To Benning Wentworth Esq.

[P. 318.] Fryday, Jany 13th 1758.

Mr Secretary Atkinson Bro't into the house twenty one Forty shillings Bills, Forty eight six Shillings Bills & fifteen two & six penny Bills, being counterfeit Bills made in Imitation of the true Bills of this Province which were Lodged with him as such by John McMurphy Esq. Deceased, and Desired the house would order what should be done with them.

Ordered, That said Bills be burnt, & accordingly they were immediately put into the fire & burnt to ashes in the face of the General Assembly.

Saturday, Jany 16th 1758.

The Bill for Reviving the Riot Act read three times.

Voted that it pass to be enacted.

Voted, That the Sec^{y} furnish the Printer with copys of the Trespass Act & the Revival thereof Sept. 17, 1755, and procure a hundred copys of each of them to be printed off at the publick charge. Sent up by Mr Clark.

Monday, Jan. 16th, 1758.

Met—[and adjourned from time to time, till February 1st.]

Gov. Wentworth's Letter about Commissioners to meet in Boston.

[Copied from MS. Gov^{rs} Messages, Vol. III. p. 11.]

Portsmouth, 29th Jany 1758.

Sir—

I have received Mr. Hutchinsons letter & have considered he ought to said that commissioners would or would not come from Rhoad Island, as that was the condition upon which the engagement was made of sending Commissioners from hence, unless you altered the Letter I sent up.

I think with the Rhoad Island Government that Lord Loudoun ought at lest to have been apprized of this Convention. However I am not averse to Coll^{o} Gillman's proceeding, if he appears by virtue of my Commission, wherein he will be directed to acquaint me with the proceedings of the Convention.

If he thinks otherwise he may proceed in virtue of the vote for his appointment of which you will acquaint him. I see no reason for consenting to the vote as it came up.

I am, Sir, your most hum^{bl} serv^{t}.

B. Wentworth.

Hon. Th^{r} Atkinson, Esq.

I see no reason to keep the Express, so you may only say that as Rhoad Island does not appear, the matter must ly untill Tuesday for a reconsideration— B. W.

[p. 320.] Wednesday, Feby 1st, 1758. 3 p. m.

The Speaker being indisposed (& not present) made choice of Peter Gilman Esq. Speaker pro tempore. The Clerk being absent, the House made choice of Capt. Thomas W^{k} Waldron Clerk pro tempore.

[p. 321.] Thursday Feby 2^{d} 1758.

Messrs Clark, Emerson & Richardson made a motion that it took them two days to come to court by reason of the badness of the Travelling & therefore prayed they might be sett down for

yesterday, which was granted & they are entered accordingly, altho they did not yesterday attend.

[p. 323.] On a Motion being made that the Rolls ought not to be passed till the Treasury was furnished with money to pay them off—

Voted, That Peter Gilman, Clem^{t} March, Thom^{s} Bell, Esqs. and Capt. Thomas W^{k} Waldron be a Committee from this house to wait on his Excellency in the morning to Inquire after the proposed votes for selling Sterling Bills to supply ye Treasury, wch if not agreeable to his Excellency then to confer with him the Best way & means to furnish the Treasury with money to pay off the Rolls for the last year—as the Rolls lay now only for his Excellencys Determination.

Mr. Sec^{y} Brot Down his Excellencys the Earl of Loudouns Letter of ye 19th Jany 1758, dated at New York & said his Excellency ordered him to Lay his Lordships Let^{tr} before the General Assembly, & hoped they would do the necessaries (not the needfull) which was read.

Letter from the Earl of Loudoun to Govr Wentworth, relating to Rangers.

[Copied from MS. Gov^{rs} Messages, Vol. III. p. 23.]

New York, Jany 19th 1758.

Sir—

I am sorry to find by your letter of Decr 23^{d} That your province have been so very long on Determining in conjunction with the other Provinces to furnish a body of Rangers for the General service, & the more so, as it not only has a very bad effect, in the other Provinces, but at the same time leaves your own Frontiers exposed, for the Defence of which I had alloted them, in conjunction with other Troops who are now on the spot, but without them are too weak for that Purpose, by which measure both your own Province & the Troops I have provided for its security are exposed to Danger.

I must here observe that the Number of Rangers I ask'd from you for this service was seventy, which is the Proportion that comes to your share with the other Provinces which is a thing necessary to keep up to, or we shall get into confusion.

I have mentioned this because in the copying your letters they have called it Fifty men which will not answer.

As I propose very soon to have a meeting at Boston with the New England Governments, I must desire that you will get Commissioners appointed to meet me there properly Impowered to Treat & settle such matters as I may be directed to lay before them & apply to them for to carry on the General service.

Since writing the above, I have a Copy of Lieutenant Cook's letter to you of the 31st of Decr lay'd before me containing a complaint of a most Extraordinary outrage committed by some of your People & a very great Neglect of the Justice in the Execution of his office, which I must desire you will enquire into in order to have the authors brought to condign Punishment.

I am with great Regard, Sir, your most
obedient hum^{bl} Servt

Loudoun.

Copy from the Original.
Atte^{t} Andrew Clarkson, Clerk.

[p. 325.] Fryday, February 3d 1758.

The Committee appointed yesterday to wait on his Excellency to Enquire after the proposed votes for Re-furnishing the treasury with money to pay of the Rolls, made their Report this after noon,—which was that his Excellency would give his final answer thereto on Monday next.

[p. 326.] Saturday Feby 4th 1758.

Whereas by an act Passed the 25th Feby 1757, for granting to his most Excellent Majesty the sum of £20,000 & it is said "Twenty thousand pounds blank sheets now in the Province Box struck from the large Plate and used for the late Crown Point Expedition," & whereas it appears that part of the sd £20,000 in the Province Box supposed to be from the large Plate aforesaid was struck from the small plate, used for sd Expedition

Therefore, Voted, That 961 sheets of the said small plate be signed off & put into the Treasury, which with the Large sheets already signed will compleat the sum of £20,000 granted by the said act.

Sent up for concurrence, by Mr. Knight. [Concurred.]

Whereas a vote passed this house Jany 24th 1755, ordering a Blank sheet of, off each plate to be delivered out of the Province Box, to each member of his Majesties Council & to each member of the General Assembly, & also to the Province Treasurer, one of the said Blank sheets from each plate to be by them kept & taken care of, in order to their detecting Counterfeit Bills passing made in imitation of the true bills of Credit of this Province, & the same to be returned again when the Genl Assembly should [p. 327.] order—Therefore Voted, That each member of his Majesty's Council & the then House of Representatives, also the Treasurer, be & hereby are Required forthwith to bring all such Blank sheets Received by virtue of the above vote & deliver them to the Secy, in order to be bro't into the General Assembly to be burnt. Sent up by Mr. Jones.

Tuesday, Feby 7th 1758.

[p. 328.] Mr. Secy Brot down Collo Hinsdales Letter & the other letters therein mentioned relating Sundry captives & said his Excellency ordered him to lay them before the house for their consideration, and said they must be returned, (a) and likewise Bro't Down the proposed votes for selling £2000 sterg, with his Excellencys remarks on them—all which was read.

(a) Journ. C. & Assem. Feb. 7. 1758. The memorial of Coll. Hinsdale in behalf of Mrs. How & her children &c. and also in relation to an Express

sent Lord Loudoun together with a letter he received from Doctor *Stokes*? & Coll. Whiting relative to the said Mrs. How & other captives at Canada, read and sent down to the assembly. (1)

Whereas there is a want of money to pay off the soldiers Employed in the Governments Pay ye year past under his Excellency the Earl of Loudoun, and whereas the distressing circumstances of the Gov^t^ render it impracticable to raise money any other way,

Voted, That Henry Sherburn and Meshech Weare Esqs. be a Committee of this house to joyn with such as may be appointed by the Honble Council to Draw Bills on John Thomlinson Esq. agent for this Province at the Court of Great Brittain for the sum of Two thousand pounds Sterling & dispose thereof & that the money produced thereby be immediately put into the Treasury taking the Treasurers Rec^t^ therefor, & improved for the paying off such Muster Rolls of men in Coll^o^ Meserves Reg^t^ as shall be allowed by the G^l^ Assembly, and when they are fully paid the Remainder to be applyed towards defraying the Expence of fifty men already granted to be posted on Connecticut River, by re- [p. 329.] quest of the Earl of Loudoun for the winter season, when the Muster Rolls shall be made up & allowed as aforesaid & that the Sec^y^ transmit a copy of this vote to Jno Thomlinson Esq.—and further Voted, That Bills be sold as small as twenty-five pounds if desired. Sent up by Saml Emerson, Esq. [Concurred.]

Whereas there has been absolute necessity of Drawing bills on Jno Thomlinson Esq. for large sums of Sterling money for Defraying the heavy charge this Gov^t^ has been at in paying the troops Employ'd in this Gov^t^ Pay under his Exc^y^ the Earl of Loudoun,

Voted That there be a Tax laid on the polls and Estates of the Inhabitants of this Province for bringing in & sinking twelve Thousand five hundred Pounds of the Bills of Credit Emitted by this Gov^t^ for the Canada Expedition to be paid into the Treasury by the 25th day of Decr 1758, and burnt to ashes in the face of the G^l^ Assembly & that an act be Immediately passed accordingly. Sent up by Saml Emerson Esq. [Concurred.]

(1) NOTE. The Memorial of Col. Hinsdale cannot now be found, but the facts respecting Mrs. How, as ascertained from other sources are summarily as follows:

On the 27th of July, 1755, a company of twelve Indians, waylaid and killed Caleb Howe, of Hinsdale, who, with two other men, William Grout and Benjamin Gaffeld, were returning at evening from a corn-field. Their wives & children were in the fort. This the Indians entered and made captives of Mrs. Jemima Howe and seven children, (one a babe of six months,) Mrs. Submit Grout and Mrs. Eunice Gaffield. They were all carried away,—marched on foot, to Canada, by way of Crown Point. Mrs. Howe was separated from her children and after some time sold to a French man by the name of Saccapee. It appears that she was a woman of much personal beauty called the *fair* captive, and was so unfortunate as to excite the *rival* attentions of both her master and his son. At length she was ransomed, with three of her children through the influence of Col. Peter Schuyler of New York, who was also, at one time a prisoner in Canada. [See a full account of the Captivity of Mrs. Howe by the Rev. Bunker Gay, of Hinsdale, published in Belknap's Hist. N. H. Vol. III, App. No. 10. 1792.]—ED.

Wednesday Feby 8th, 1758. (a)

(a) Voted, That Daniel Peirce Esq. be appointed Recorder of Deeds, & Conveyances of Lands for this Province for the space of one year, &c. Journ. H. p. 330. [Concurred by Council.]

[p. 330.] Mr. Secretary Brot Down his Excellencys Mess^{a} of this date & read the several paragraphs in Lord Loudoun's Letter. Mr. Speaker desired a copy of it. The Mess^{a} was read.

Governor's Message.

[Copied from MS. Gov^{rs} Messages, Vol. III, p. 19.]

Mr. Speaker and Gentlemen of the Assembly.

I have directed the Secretary to communicate to the House those Paragraphs of Lord Loudoun's letter to me by Express dated January 27th 1758, which relate to fiffty Rangers his Lordship has long since demanded from this Province, and the Convention at Boston.

You will observe how anxious his Lordship is to have these Rangers at the post he has Assigned them, which I hope will prevail on you to raise the military fines, that the men may be sent forward without any further delay, and you will see how necessary it is when I tell you that not one volunteer has offered himself for that service, and to Impress men will be fruitless, so that unless you come to some determination about raising the fines you will be answerable for this neglect of service, and when I consider that by your answer to my message of 12th October 1756, dated October 14th wherein both the Council & Assembly declare that "when there may be any further grant of men for his Majesty's ser-"vice we think it will be necessary an Act be passed in addition to the "Militia Act, to raise the fines therein laid on Impressed men that do not "attend on the service, which we shall be ready to pass when there be occasion therefor."—I can no longer doubt of an Effectual act being passed forthwith.

B. Wentworth.

Council Chamber in
Portsmouth, Feb. 8th, 1758.

Paragraph from the Earl of Loudoun's letter.

[Copied from MS. Corr. Vol. III. p. 63.]

New York, Jany 27, 1758.

Sir—

I had the favour of your letter of the 12th with a Copy of the vote of Assembly for raising of 50 Rangers—there is a mistake in the Number—and as the whole were so small it was not worth while to take notice of it on either side; but for the president, which I hope will never be insisted on hereafter.

I dare say from your good management that small number will be marched for No. 4, before this letter can arrive, and if they are not I must Desire no time may be lost in sending them off as that place is always in danger of an attack in the spring & the force there is not sufficient till joined by the People from you.

I am sorry your health will not permit your coming to Boston, but as that is the case, I do Expect you will send Coll. Atkinson fully Instructed

& Impowered, where I hope to meet him very soon, & shall acquaint you by Express as soon as I have fixed my day.

I am with great regard,
Sir ——— ———

(Copy of three Paragraphs taken out of Lord Loudouns Letter to his Excellency Govr Wentworth, Dated as above.

Attest, Theodore Atkinson, Sec^y.

P. M.

[p. 331.] His Excellencys Mess^a of this day was again read Requiring an act to raise the fines, and after many Debates thereon 'twas taken under consideration.

The Honble Joseph Newmarch, Esq. brot down the Petition of the Inhabitants of Londonderry praying that the number of Tavernors in that Town might be lessend, &c. [Read & liberty to bring in a Bill.]

This afternoon taken up in Debates, for the Act to raise the fines & it passed in the Negative.

Fryday February 10th 1758.(a)

[p. 333.] (a) Voted, That the Muster Roll of Capt. Richard Emary for ninety men employed in the last years Expedition, under the command of his Excellency the Earl of Loudoun in Coll. Nathl Meserves Regiment, amounting to £3846 : 3 : 11½ be allowed,—"the Ballances due to Robert Kennady, Eben^r Hutchinson & Caleb Daulton who deserted in former expeditions be stoped till further order of the General Assembly."

(b) Also allowed Muster Roll of Capt. Jacob Bayley for 87 men, in Coll. Nath. Meserves Regt. amounting to £3776 : 5 : 8¼—and "that the balance in s^d Roll due to Jno Goodwin who deserted in Capt. Eastman's Roll in 1755 be stoped till further order."

(c) Also that the muster Roll of Capt. Hercules Mooney for ninety one men employed in the last year's Expedition in Col. Nathl. Meserve Reg^t amounting to £4244 : 18 : 1½, be paid—and "that balance due to David Willson, called in said Wolson, who deserted in Capt. Goffe's Comp^a, under Coll. Blanchard in 1755, be stoped till further order."

(d) Also, That the muster Roll of Capt. John Titcomb for 95 men employed in the last year's expedition in Coll^o Meserve's Reg^t, amounting to £3449 : 14 : 11, be paid, & "that the Ballance due to Nicholas Harford who deserted in Capt. Saml Gerrish's Comp^a in the year 1756 be stoped till further order."—Journ. H. p. 335. [Concurred.]

Saturday, Feby 11th 1758.

[p. 338.] Whereas the Fifty men granted by vote of Assembly this session to be Inlisted or Impressed & sent to No. 4, by his Excellency the Earl of Loudoun Request for the winter season are not allowed a Bounty by said vote.

Therefore Voted, That whatever number of said fifty men shall voluntary Inlist themselves for said service, officers excepted, be allowed six pounds five shillings as a Bounty out of money that is or may be in the Treasury for Defraying the Expence of s^d fifty men.

Sent up by Mr. Seavey. [Concurred.]

[p. 339.] Tuesday Feby 14th 1758. 3 P. M.

Voted That the Muster Roll of Thomas Bell Esq. for soldiers Employed at Fort William & Mary for the year 1757, and for Billeting, amounting to £925 : 9 : 1½ be allowed and paid out of money in the Treasury by the Province Tax last year & further voted that whatever money Thomas Bell Esq. may have Rec^d out of the Treasury by virtue of the Vote of General Assembly March 24th 1757, be deducted out of the aforesaid sum.

Wednesday Feby 15th 1758.

[p. 340.] The Secretary Brot down his Excellencys message of the 14th Instant Relating the Commissioners to meet Lord Loudoun &c. which was read.

John Knight Jun. Esq. was sent to the Board to Inquire after the vote of the 10th Jany Last appointing the Hon^bl Theo. Atkinson Esq. to meet Lord Loudoun at Boston, & Mr. Secretary Brot it Down Immediately.

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. III. p. 21.]

Mr. Speaker & Gentlemen of the Assembly—

The Earl of Loudoun having advised me by an Express that arrived from New York last night that he had appointed Monday the 20th Instant for the meeting of the respective Governors of New Hampshire, Massachusetts, Rhoad Island, & the Colony of Connecticut, or Commissioners appointed & Impowered to settle those affairs which he should lay before them, and that as his presence was necessary soon after in the southern Governments, he had appointed Hartford on the River of Connecticut for the meeting:

In consequence of his Lordships appointment I have directed the Secretary to make out a Commission for Himself and Peter Gilman Esq. whom I have appointed Commissioners to appear at said Congress in behalf of this Government, as my health will not permit me to be there in person.

I must on this occasion desire that you will without loss of time make the necessary provision for their time & expences & to resolve what number of forces you will Engage to furnish on this occasion, provisions & warlike stores to be supply'd the forces at the expence of the Crown.

B. Wentworth.

Council Chamber in
Portsmouth, Feb. 14th, 1758.

Thursday Feby 16th 1758.

It being a very bad storm of snow, rendering it Impossible for the members to come to Court on horseback, & not a sufficient number present to make a house, [adjourned from time to time, till] .

[P. 342.] Tuesday Feby 21st 1758, 3 P. M.

His Excellencys Mess^{a} of ye 14th Inst Brot Down late in the afternoon of the 15th Inst. & not a house since till this day (Except Saturday ab^{t} 11 o'clock & then only a bare house) the same was again read this afternoon, & the house took said Mess^{a} under consideration.

Province of New Hamp^{r} } In the house of Representatives Feby 15th 1758. His Excellency the Governor in his Message to both houses of the 3^{d} of Jany past having signified that it would be agreeable to his Lordship the Earl of Loudoun in case the situation of his Excelly^{s} health would not permit him to meet his Lordship at Boston, that some proper person should be sent with power to settle with his Lordship in consequence of orders he expected from his Majesty's ministers, the House by a vote of ye 10th of s^{d} Jan'y past appointed the Honble Theodore Atkinson Esq. to wait upon his Excellency the Earl of Loudoun at Boston, wch vote was concurred by the Honble Council, but inasmuch as his Excellency the Govr is pleased to inform the house by his Mess^{a} of ye 14th Instant that his Lordship has altered the place of meeting, & ap-[P. 343.] pointed Monday the 20th Ins^{t} to be the time, and Hartford on Connecticut River to be the place which renders the aforesaid vote of no effect:

Voted, That the Hon^{bl} Coll^{o} Theodore Atkinson & Coll^{o} Peter Gilman Esq. be & hereby are appointed & Impowered to repair to Hartford on Connecticut River, there to wait upon his Excell^{y} the Earl of Loudoun & in conjunction with the Commission^{rs} from the other New England Governments to hear and Receive such proposals as his Lordship may think proper to lay before them to confer on measures for the mutual safety & Defence of his Majesty's New England Colonys, & make Report to the Genl Assembly for application and confirmation, & that his Excellency be desired to grant them his Comission accordingly, & Tis further Voted that each of those Gentlemen have the same allowance pr Day for time & Expences of themselves & serv^{ts} as was made to Coll^{o} Atkinson last year & that they Receive suitable money out of the Treasury to bear ye Expence of their Journey.

Henry Sherburne Speaker.

Sent up the 21st Inst. by John Knight, Jun. Esq. [Concurred.]

N. B. This vote was not sent up before, by reason of the violence of weather, the Travelling being so bad the members could not get to Town.

Province of } In the House of Representatives Feby 18th, 1758.
New Hamps }

Voted That the following message be sent to his Excellency in answer to his message of the 14th Instant.

May it please your Excellency—

Your Excellency's Mess^{a} of the 14th Instant was laid before the House ye 15th in ye afternoon & would have been answered the next day but the Extremity of the weather prevented the members getting to Town, & we are much concerned that the Day his Lordship the Earl of Loudoun has been pleased to appoint is so near at hand & the place appointed for his [p. 344.] meeting of Commissioners from the New Engl^{d} Governments at such a distance from us that 'tis Impossible considering the Difficulties of the season to be there at the time but notwithstanding those difficulties the House Imediately made choice of Coll^{o} Atkinson and Coll^{o} Gillman & Voted them a handsome allowance for their time & Expences,—As to Resolving upon any number of forces to be furnished, Wee pray to be excused till we know what his Lordships proposals are, whether he wants any forces & if he does what number may be required from all the New England Governments. If your Excellency has any thing from his Lordship that may give light in those matters wee should be glad to have it before us, but at present can only assure your Excellency that wee shall with chearfullness come into measures for furnishing any Just proportion, which we apprehend will be one hundred to every nine hundred from the Province of the Massachusetts Bay, & here give us leave Humbly to desire that your Excellency will be pleased to Represent to his Lordship the great Disadvantage wee shall be under in raising of men by Reason of the great number of Rangers & Carpenters already Inlisted & now Inlisting into the service out of this Government, which tho' in his Majesty's pay is very distressing and will be more so.

H. Sherburne, Speaker.

The above answer to my message of the 14th inst was delivered by Thomas Bell, Esq. a member of the Assembly Wednesday morning, half an hour after ten of the clock, being the 22^{d} Instant.

B. Wentworth.

(a) Feby 22^{d} 1758. The sum of £75 allowed in full for acc^{t} of selectmen of Billerica for defraying the charge of last year's expedition.

[p. 345.] James Haines allowed £8 : 15, for charges in getting home from Billerica, after had the small pox.

The widow of serjant Nathl Grow who died at the Flatts above Albany, allowed £25, in full for articles lost, &c.

[p. 346.] Acc^{t} of Daniel Fowle for printing for the Government amounting to £46 : 5, allowed.

The Ballance allowed of the Muster Roll of the Staff Officers under Coll^{o} Nathl Meserve in the last years Expedition amounting to £1271 : 2 : 4, and George Thing, £100 in addition, for service as Commissary for the year 1757.

[p. 347.] Feby 23^{d}. William Clifford allowed £7 : 12 : 6, for a gun and sundry cloaths of his son, who died at Albany in the Governm^{ts} pay.

Asa Flanders allowed £8 in full for his son David Flanders, who was a soldier under Capt. Isaac Smith and who was made up in Muster Roll short of the time in service. [All concurred.]

Thursday Feby 23^{d} 1758, 3 P. M.

Whereas by an act Passed the 3^{d} of April 1742, Intitled an act for granting unto his Majesty the sum of two hundred & fifty Pounds Proclamation money or in Bills of Credit on the Province equivalent thereunto towards the support of his Governor here, [P. 348.] there was granted to his Majesty towards the support of his Excellency the Governor the sum of two hundred & fifty Pounds Proclamation money or in silver at six shillings & eight pence pr ounce, or in Gold in proportion, or in such sums in Bills of credit on this Province as shall be Equal thereunto, to be paid yearly and every year during the time that his Excellency shall be Governor in & over this Province, wch sum by the aforesaid in Part recited act was to be paid out of the Excise money in the Treasury, & if that should not be sufficient to pay the same that it should be made up out of the Treasury.

And whereas his Excellency hath not Rec^{d} the said two hundred & fifty pounds pr annum for the two last years Ending the 12th day of December Last & the money Brought in for the Excise now laying in the Treasury in Paper Bills of other Provinces not esteemed of equal value with the Bills on the Credit of this Province—And whereas by one after act passed in this Province the 14th of April 1756, Intitled an act for granting unto his most Excellent Majesty the sum of thirty thousand pounds for the promoting & carrying on an Expedition to Crown point, amongst other things 'tis Enacted that whatever sum his most excellent Majesty shall be graciously Pleased to pay towards the said Expedition shall be put into the Treasury & lye there for a fund for the sinking so much of the said sum of Thirty Thousand pounds by said Act Emitted as the same will answer for as the General Assembly shall hereafter order & Determine.

And Whereas his Majesty has been pleased to allot to this Province the sum of eight thousand pounds ster^{g} part of the grant of one hundred & fifteen thousand pounds ster^{g} made by the house of Commons to his Majesty to be distributed to his Colonies of New England, New York & New Jersey in such proportion as his Majesty should think fit as a free gift & Reward for their past service, & an Encouragement to them to continue to exert themselves with vigour in defence of his Majestys just rights & possessions, & which said sum of Eight Thousand pounds sterling was shiped by [P. 349.] Messrs Thomlinson & Hanbury in his Majestys ship of Warr the Sterling Castle, Capt. Cornish Comander, to New York, part of which sum is now in the Treasury of this Province:

And whereas a vote passed this house ye 30th of March 1757 which was concurred by the Honble Council for paying unto his Excellency three hundred & seventy five pounds sterling for two years salary to be paid out of the Excise to the 12th December 1756, which vote ye Prorogation of the General Assembly rendered of no effect, & whereas there is since another years salary

by the aforesaid Act become due to his Excellency to be paid out of the Excise as aforesaid, Wherefore

Voted, That there be paid unto his Excellency the Governor out of the said sterling money in silver or gold or Bills of Exchange the sum of five hundred and sixty two pounds Ten shillings sterling in full for that part of his Excellency's salary which by ye afores^d^ Act was to be paid in Proclamation money to the said 12th Day of December Last, and that the sums of three Thousand Five hundred & fifteen pounds Twelve shillings & six pence being produced by the Excise aforesaid for the years 1755, 1756 & 1757 that now lyes in the Treasury as aforesaid be Exchanged for that sum of the Bills Emitted for the Crown Point Expedition, which Bills when so Exchanged shall be burnt to ashes in Presence of the General Assembly & sink so much of said Bills Emitted as aforesaid & by the aforesaid Act is to be paid into the Treasury by the 25th Decr in the year 1761, & that the Treasurer for the Time Being Issue his warrants for so much less in that year, than in & by the said Act he is directed to.

Henry Sherburne, Speaker.

Sent up by Messrs Smith & Moulton. [Concurred.]
Adjourned till 9 o'clock tomorrow morn^g^.

[p. 350.] Fryday February 24th 1758.

Mr. Sec^y^ Brot into the House all the Connecticut Rolls from the Governor with his Remarks thereon and said his Excellency should have no objection to them, if the House pass them as think proper with Major Tash's letter to his Excellency & left them, & that the Jury Acts passed some time since for Regulation in the choice of Jurors, was confirmed by his Majesty.(a)

(a) Votes, acc^ts^, bills &c. passed by the House & concurred by the Council.
Saturday, Feb. 25th. Made choice of Col. Peter Gilman, Speaker pro tempore.
£1964 : 1 : 12 brot in & burnt to ashes.
Act for preventing the killing of Deer past to be Enacted. p. 351.
March 1, 1758. Muster Roll of Capt. John Ladd for 57 men Posted at No. 4, in Coll. Meserves Regt. amounting to £842 : 13 : 6 allowed. p. 352.
Muster Roll of Capt. Trueworthy Ladd for 40 men, posted at No. 4, in Coll. Meserves Regt. amounting to £884 : 1 : 5, allowed.
Muster Roll of Capt. Amos Gage, for 42 men, at No. 4, in Coll. Meserves Regt. amounting to £833 : 5 : 2, allowed.
Muster Roll of Capt. Anthony Toole for 38 men, posted at No. 4, in Coll. Meserve's Regt. amounting to £699 : 16, allowed. p. 354.
Coll. Smith & Coll. March sent to inform his Excellency that all the muster Rolls, had passed the house for 1757, except Capt. Abner Foggs, wch only waited for him to swear to the same. Likewise to acquaint his Excellency that the soldiers were very uneasy that they could not be paid. [All concurred.]

Letter from Gov. Wentworth.

[Copied from MS. Gov^{rs} Messages, Vol. III, p. 35.]

Portsm^{o} 27th Feb. 1758.

SIR—

Capt. Gage thinks he can raise a Company of Fifty men to do duty on Connecticut River, but as Lord Loudoun Intended them for the winter Season, & that being over it will be best that some resolve pass to enable me to make them part of the forces for the next Campaign, which as soon as I hear from Lord Loudoun, I expect to have directions about,—besides the bounty for these men, 20 pr of snow shoes will be wanting; blanketts & kettles, & what other things may be tho't serviceable.

I return the papers you sent, finished except the vote for my salary, which as there is a bar in the way, I dare not assent to, but since the House have fixed the sum tho' at 200 pr cent too low, I shall incline to take the paper money, in which I can come to no blame.

I am sorry the House spend so much time in contriving ways and means to sink the paper bills outstanding, I should think it best to make an act to sink first the Canada money by bills of Exchange, with a suspending Clause that the Act shall not be in force until his Majesty has given his royal assent thereto, and as there has been considerabie sums allready paid in, there will be an Excess, for the disposal thereof some grants should be made for public uses, as the Fort, State house, Governor's House, &c. I only hint these things & leave them to future consideration.

I am, S^{r} your most hum^{ble} serv^{t}

B. WENTWORTH.

[Probably to Theo. Atkinson.]

[P. 352.] Wednesday March 1st 1758. P. M.

Voted, That the two acts for Regulating the appointment & choice of Jurors be printed at the Public charge & If the Act for preventing the ye killing Deer out of season & the act for altering the time of the sitting of the Courts should Receive his Excellencys Assent, that they also be printed, at ye Publick charge & that the Sec^{y} furnish the printer with copys thereof. Sent up by Messrs. Jones & French, to day. [Concurred.]

Thursday March 2^{d}, 1758.

[P. 357.] Whereas Reuben Stevens in Capt. Jacob Bayley's Roll Received ten pounds as Bounty, & did not pass muster, & afterwards was Rec^{d} as a hired man in the Room of Nathl Watts in the same company which Watts also Received Bounty, therefore

Voted, That the Treasurer stop ten pounds out of the said Stevens Wages & give the Province Credit for the same. Sent up by Mr. French. [Concurred.]

[p. 359.] Fryday March 3d, 1758.

Whereas a vote passed in this House ye 7th of Feby past Impowering a Committee to draw Bills on John Thomlinson Esq. Agent for this Province at the Court of Great Britain for the sum of Two Thousand pounds sterling for the purposes & uses therein mentioned, which vote was concurred by the Honble Council & now lays before his Excellency the Govr for his consent,

Voted & Resolved That this province shall & will secure his Excellency the Governor from any Damage that may any way acrue unto him by Reason of his consenting to said vote, or any other vote of the like nature that may be hereafter passed by the present General Assembly.

Henry Sherburne, Speaker.

Sent up by Messrs. Richardson & Clarkson. [Concurred.]

Adjourned by order of his Excellency, to meet on Tuesday the 14th Inst. 10 o'clock, A. M.(a)

(a) Jour. Coun. Mar. 2d 1758. Capt. Foggs Roll allowed. John Bunker allowed 40s. for a gun spoilt by his servant John Mathews.

[p. 360.] Tuesday March 14th 1758.

Met [and adjourned from time to time, till]

[p. 361.] Thursday March 16th 1758.

The Honble Theodore Atkinson Bro't down his Excelleys Messa of yesterday's Date & said his Excellency desired the house to lay themselves under some Restrictions, & not publish any thing contained therein more than was necessary—viz. That the Expedition was against Canady wch was read.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. III. p. 37.]

Gentlemen of the Council
& of the Assembly.

The importance of this Message to his Majesty's service and the Prosperity of the Colonies will evidence the necessity of addressing it to both Houses.

It has been the King's pleasure to signify to me by one of his Principal Secretaries of State, his Royal Intention to exert the most vigorous efforts not only to repair the losses and disappointments of the last Year's Campaign, but by the blessing of God to avert the dangers Impending on North America.

To compass this great and good Design, his Majesties Expectations are, that the Northern Colonies, the Jerseys and New York included furnish Twenty Thousand men to joyn a body of the Kings regular forces to invade Canada and to carry the war into the heart of the Enemies Possessions.

His Majesty has not thought it expedient to assign any particular number of men to the Provinces respectively, but relies on the ardor and zeal of their good subjects on an occasion that so much concerns their own preservation and defence.

All that his Majesty demands from the Provinces is, to Levy Cloath and pay the men, the Crown supplies the Forces with arms, amunition and Tents. Provisions are ordered to be issued by his Majesties Commissaries in the same proportion and manner as is done to the Kings forces. Besides a sufficient train of Artillery boats and other vessells necessary for transporting the Army, his Majesty has directed to be Provided in the most ample and convenient manner, that no Encouragement may be wanting to this great attempt.

The Right Honorable William Pitt Esq. in his Letter goes on and says in the following words: viz.

"The King is further most graciously pleased to permit me to acquaint "you that strong recommendations will be made to Parliament in their "session next, to grant a proper compensation for such Expences as "above, according as the active vigour and strenuous efforts of the re-"spective Provinces shall justly appear to meritt."

By the words—Such Expences as above—I understand the whole Expences Incurred to the Provinces for Levying, paying and Cloathing the forces that may be Employed in this Expedition.

And since his Majesty has by one of his Principal Secretaries of State expressed himself in such affectionate terms, and given the highest encouragement every way that could or can be expected, I am persuaded you will exert yourselves with double vigour in making the most ample provision for this service, and guard against every impediment that has either defeated or retarded past levies, that I may raise the men granted with the utmost Expedition,—The King having assigned the first of May next for the whole forces to be at the place of general Rendezvous.

B. Wentworth.

Council Chamber in
Portsmouth, March 15th 1758.

Voted that the following message be sent to his Excelly the Governour.

May it please your Excellency—

The house have your Excellencys Messa of yesterday under consideration. The paternal care wch his most gracious Majesty is pleased to show and exercise towards us his Loyal and faithful subjects, Inspires [p. 362.] us with fresh gratitude & determines us to do all in our power to express our zeal for his service, our Duty and obedience to the best of Kings, and as ye communicating ye Secy of State's letter wch your Excellency is pleased to mention to the General Assembly may very much facilitate matters at this critical conjuncture, when the utmost dispatch is necessary, wee earnestly desire your Excellency will order the same to be laid before us.

Sent up by Mr. Seavey. Adjourned till 3 o'clock

P. M.

Mr. Seavey Returned from his Excellency, and Informed the house his Excellency said he could by no means Let the house see Secretary Pitts letter.

Mr. Secretary Atkinson brot down his Excellencys message of this date, which was read.

Governor's Message.

[Copied from MS. Gov^rs Mess^a. Vol. III. p. 41.]

Mr. Speaker &
Gentlemen of the Assembly.

Mr. Seavey delivered me your message of this day, in answer to which I can only say that my message now before you contains everything that relates to the assembly, and all matters relative to the Intended Expedition that I am permitted to make public at present. I must therefore press you to a complyance with his Majestys Expectations from this Government, which appear to me so Equitable & reasonable, that I hope no member of the Assembly will hesitate one moment to make as ample a grant as the service requires.

B. WENTWORTH.

Council Chamber in
Portsmouth, 16th March 1758.

Mr. Speaker put it round whether the House would vote any men for the expedition to Canada on the light they had & it passed in the negative.

Messrs Smith & Wentworth was sent to his Excellency to inform him that the house could not see their way clear to vote any men & to pray his Excellency to lay Sec^y Pitts Letter before them, whereby the House may see their way clear, as they are unanimously of opinion, that men ought to be raised & are willing to vote their Quota as soon as they see their way clear.

The above gentlemen returned & said his Excellency could by no means let us see Sec^y Pitts Letter, & that the house had all [p. 363.] that related to them in said letter in his message now before them, but that hereafter they should see it at a proper time. Adjourned till 9 o'clock tomorrow morning.

NOTE BY THE EDITOR.

The following is Secretary Pitts letter found among the MS. "Belknap Papers" in the Library of N. H. Historical Society, p. 292.]

Whitehall, Decr 30th 1757.

SIR—

His Majesty having nothing more at heart than to repair the Losses and Disappointments of the last inactive and unhappy Campaign; and, by the most vigorous and extensive efforts, to avert, by the Blessing of God, on his Arms, the Dangers impending on North America; and not doubting that all his Faithfull and Brave subjects there, will chearfully co-operate with & second, to the utmost, the large Expence & extraordinary succours supplied by this Kingdom for their Preservation and Defence; and his Majesty considering, that the several Provinces, in particular, in proximity & accessibility of situation, more immediately obnoxious to the main Irruptions of the Enemy from Canada, are, of themselves *well able to furnish at least Twenty Thousand men*, to join a Body of the King's Forces, for invading Canada by the way of Crown Point, and carrying War into the Heart of the Enemy's Possessions, and his Majesty not judging it expedient to limit the Zeal & ardor of any of his Provinces, by making a Repartition of the Force to be raised by each respectively for this most important service; I am commanded to signify to you the King's Pleasure, that you do forthwith use your utmost En-

deavours & Influence with the Council & Assembly of your Province, to induce them to raise, with all possible Dispatch, *as large a Body of Men within your Government as the number of its Inhabitants may allow;* and, forming the same into Regiments, as far as shall be found convenient, that you do direct them to hold themselves in readiness as early as may be, to march to the Rendezvous at Albany, or such other place as his Majesty's Commander in Chief in America shall appoint, in order to proceed from thence, in conjunction with a Body of the King's British Forces, and under the Supreme command of his Majestys said Commander in Chief in America, so as to be in a situation to begin the operations of the Campaign by the 1st of May, if possible, or as soon after, as shall be any way practicable, by attempting to make an Irruption into Canada, as above, by the way of Crown Point, and, if found practicable, to attack either Montreal or Quebec, or Both of the said places, successively, with the whole Force in one Body; or at one & the same time, by a Division of the Troops into separate and distinct operations, according as his Majesty's said Commander in Chief shall, from his Knowledge of the Country, through which the war is to be carried & from emergent circumstances not to be known here, judge any of the said attempts to be practicable * * * * * And the better to facilitate this important service, the King is pleased *to leave it to you, to issue Commissions* to such Gentlemen of your Province, as you shall judge, from their weight and Credit with the People, and their Zeal for the publick service, may be best disposed & enabled, to quicken & effectuate the speedy levying of the greatest number of Men; In the Disposition of which Commissions, I am persuaded you will have nothing in view, but the good of the Kings service, and a due subordination of the whole, when joined, to his Majestys Commander in chief; and all officers of the Provincial Forces as high as Colonels inclusive, are to have Rank, according to their several respective Commissions in like manner, as is already given by his Majesty's Regulations to the Captains of Provincial Troops in America.

The King is further pleased to furnish all the Men, so raised as above, with *arms, ammunition, & Tents,* as well as to order *Provisions* to be issued to the same, by his Majesty's Commissaries, in the same Proportion & manner *as is done to the Rest of the King's Forces;*—A sufficient Train of artillery will also be provided, at his Majesty's Expence, for the operations of the Campaign; and the Ship that conveys this, carries Orders for timely providing, at the Kings charge, with the utmost Dilligence, and in an ample manner, Boats & Vessels, necessary for the Transportation of the army on this Expedition: The whole, therefore that his Majesty expects and requires from the several Provinces, is, the *Levying, Cloathing, and Pay of the men;* and on these Heads also, that no Encouragement may be wanting to this great and salutary attempt, the King is farther most graciously pleased to permit me to acquaint you, that Strong *Recommendations will be made to Parliament* in their session next year, to *grant a proper Compensation* for such Expences as above, according as the active vigour and strenuous efforts of the respective Provinces shall justly appear to merit.

Altho' several Thousand stand of arms will be forthwith sent from England, to be distributed to the Troops, now directed to be raised in the Northern and Southern Provinces; yet, as it is hoped that the numbers of Men, levyed in all parts of America, may greatly exceed the Quantity of arms that can at present be supplied from England; It is his Majesty's Pleasure, that you do, with particular Diligence immediately collect, and *put into the best Condition, all the serviceable arms, that can be found within your Government* in order that the same may be employ'd, as far as they will go, in this Exigency.

I am further to inform you, that similar orders are sent, by this conveyance, to Massachusetts Bay, Connecticut, Rhode Island, New York,

and New Jersey; the Southern Governments are also directed to raise men in the same manner, to be employ'd in such offensive operations, as the Circumstances, and situation of the Enemy's Posts in those parts, may point out, which it is hoped, will oblige them to divide their attention and Forces, as will render the several attempts more easy & successful.

It is unnecessary to add anything to animate your Zeal, in the Execution of his Majesty's Orders on this great occasion, where the safety and Preservation of America, and of your own Province in particular, are at stake; And the King doubts not, from your known Fidelity and attachment, that you will employ yourself, with the utmost Dispatch in this urgent and dangerous crisis.

Altho' the Knowledge of an intention to invade Canada is apprehended to be not only unattended with any inconvenience, but necessary to be propagated in the Provinces, in order to give success to the Levies; yet as secrecy in all enterprises on particular places is of the greatest Importance, The King is persuaded, that you will use all proper Discretion in communicating, by name, any of the immediate objects, before pointed out, farther than to such persons, to whom it may be necessary, for the good of the service confidentially to entrust the same.

I am, Sir, your most obedient
Humble Servant

W. Pitt.(1)

Governor of New Hampshire.

Fryday, March 17th 1758.

Met according to adjournment. His Excellency's two messages was again read, & the House took the same under consideration.

Voted, That Henry Sherburne, Peter Gilman, Joseph Smith, & Clemt March Esqs. be a Committee of this house to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excellency's Message of the 15th Instant & make Report as soon as may be what may be proper for this Governmt to do in Relation to those Important matters therein Recommended. Sent up by Capt. Moulton.

The Honble Joseph Newmarch Esq, came down & Inform'd the House that the above vote was concurred by the Council & the Committee were ready to attend.

The Committee of the House immediately attended.

Adjourned till 3 o'clock p. m.

The Committee still out with the Committee of Council in Conference on the important affairs of the Expedition to Canada.

The Honble Sampson Sheaffe & Joseph Newmarch Esq. Brot Down the Report of the Committee appointed by vote of this day, wch was read & many Debates thereon, the house sett late this evening. Adjourned.

(1) The signature in his own hand.—Ed.

[p. 364.] Saturday March 18th, 1758.

The Report of the Committee of both Houses of yesterday was again read—which is as follows:

Province of New Hampr } March 17th 1758.

The Committee of both houses appointed by vote of this day to consider of the subject matter of his Excellency's speech to both houses of the 15th currant & to report what may be proper for this Governmt to do in relation to the important matters therein recommended, having his Excellency's said Speach before us,

Beg leave to Report thereon as follows, viz.

1st That it is advisable his Excellency the Governor be desired to cause to be Enlisted or Impressed Eight hundred men, officers included to be retained in the pay of this Government, & under the command of such general Officer as shall be appointed by his Majesty to take ye command of them, & to be Imployed against his Majesty's Enemies in the intended Expedition against Canada, yt a Bounty shall be given to each man that shall voluntary Enlist of five Dollars & a Blanket, and a sum of three Dollars & a blanket to such as shall be Impressed, the Bounty to be paid them when muster'd that each man shall receive one months pay before he marches, that the privates shall have as wages the sum of Twenty two shillings & six pence Sterg money of Great Britain pr month, or the value thereof in province Bills, & to be retain'd in the pay of this Province nine months, unless they should be discharged sooner, and that in order to carry the Levys into Execution that an act be immediately passed laying such a fine as may render impresses effectual, which we think cannot be less than thirty pounds new Tenor, the fines to be applyed as may be tho't most usefull, in order to which all such fines to be paid [p. 365.] into ye Treasury by the officers that may or shall receive the same, upon the penalty of fifty pounds new Tenor for every fine such officer shall neglect to pay into the Treasury for more than thirty Days after Receiving the same.

2dly That whereas there is now no unappropriated Paper currency in the Treasury there will be a necessity to make use of sterling money now in the Treasury for the paying the Bounty & advance wages to the Troops above proposed to be Raised & that the Committee appointed to draw Sterling's Bill on the agent draw for such further sum as may be tho't necessary for the future expence in carrying off such muster Rolls as shall be voted by the Genl Assembly, and in case such a sum in Sterling Bills should not be disposed of in season that then such a sum in paper Bills as may be tho't necessary to pay of the remaing expence, shall be emitted on the credit of this province of a New Tenor & form, Expressing in each Bill the value in Sterling & carrying an Interest and payable at least in one year & to be Redeemed by Bills of Exchange of Equal value on London.

3dly If any of the money Emitted for the Canada Expedition should be Recd for the sterlings Bills aforesaid, that the same remain in the Treasury till Brought into the General Assembly & burnt to sink so much of the said Canada money, & in that case the Committee Draw for as much more as will answer the end above proposed.

Submitted by order of the Committee
Theodore Atkinson, Chairman.

In Council, March 7th 1758,
Read and Ordered to be sent Down to the Honble Assembly—
Theodore Atkinson, Secy.

[p. 366.] Province of New Hamp^{r} } In the House of Representatives the foregoing Report being read,

Voted, That it be accepted with the following amendments, viz. That the men be all Inlisted & not impressed, & that each private voluntier so Enlisted Receive seven Dollars Bounty besides his Blankett, to be paid after the first muster, and that a bill be Immediately Drawn up accordingly & passed into an act.

Henry Sherburne, Speaker.

Sent up by Coll^{o} Smith, Capt. Moulton & Mr. French. [Concurred.]

Adjourned.

Monday March 20th 1758, 3 P. M.

Voted, That the Treasurer pay off the Muster Rolls allowed by the General Assembly for the Forces in the service of this Government the last year with any Crown Point Bills in the Treasury, & that the same be replaced again by the first bills that may be brought into the Treasury by bills of Enchange

[p. 367.] Sent up by Mr. Knight. [Concurred.]

Tuesday March 21, 1758.

Mr. Sec^{y} Bro't Down his Excellencys message of this date, which was read, Returning his thanks for ye progress the house had made for his Majesty's service for the intended expedition. Likewise desiring the house to grant more men & passing an act for ye men to be drafted &c. the latter passed in ye negative.

Governor's Message.

[Copied from MS. Gov^{rs} Mess^{a}, Vol. III. p. 45.]

Gentlemen of the Council
& of the Assembly

I return you thanks for the progress you have made for his Majesties service for the Intended Expedition, and although the grant of men proposed falls short of my expectations, yet that no delay might arise to this Essential service on my part, I have approved your report, not doubting but you will provide in the Act all things Requisite to the speedy Levying the men, and make a further addition to the forces already proposed to be raised. On this head I must observe to you, that it is my opinion that proportions made use of in past services ought to be totally disregarded in this Expedition, and his Majesties Commands attended to. His gracious declaration that the charges to the respective Provinces will be repaid should be the strongest invitation to us to exert ourselves on an occasion that must continually tend to the Establishment not only of our Liberties, but of our Civil and religious privileges.

You cannot have a nobler Example set before you than the wisdom of the Government of Connecticut, who regardless of Quotas and Propor-

tions have granted I am told Ten Thousand men for the present expedition, and I must persuade myself that upon taking your Report under further consideration, you will make such amendments thereto as will be agreeable to the King.

I cannot close this Message without observing to you that I am by no means against a proper bounty either in money or suitable cloathing, as well to the Impressed men as voluntiers, but as the raising the forces will require the utmost dispatch, I am of the opinion that an equitable Draft be made out of the respective Regiments to the amount of the men that may be granted, and that the Fines for non-appearance or desertion may be sufficient to oblige them to attend their duty, and this will make the drafts from each Regiment equal. This being done according to the number of voluntiers, so many of the impressed men may be discharged, which may Relieve some men that cannot be so well spared, but to rely wholly upon Voluntiers for this service, will be in fact refusing to have any share in the Honour of the Expedition.

B. WENTWORTH.

Council Chamber in
Portsmouth, 21st March 1758.(a)

(a) Jour. C. & Assem. March 21, 1758. The Secy by his Excellys order laid before the board a letter recd from Govr Pownall, dated March—1758, enclosing a copy of an Act Passed in the Massa for laying an Embargo on all vessells outward bound &c., and recommending the laying an Embargo in this Province.

Saml. French allowed £4, for expences in pursuing one Sullivan suspected of counterfeiting, Mar. 18.

Joseph Bell, a prisoner at the surrender of fort Wm. Henry, allowed £18 : 15, for loss of cloathes &c. Mar. 20.

Ebenezr Nimes, allowed £7 : 10, & Nathan Blake £7 : 11 : 9 for taking care of John Webster sick with the small pox &c. Mar. 21.

Edward Fox allowed £6 : 2 : 6 to make up full pay. Mar. 21.

[Upon representation of Clemt March, Esq.]

[P. 368.] Voted That all the lands of the said Clement March Esq. belonging to or Joining to his said Homestead Estate that fall or are within the Boundaries of Portsmo, shall be and hereby are Exonerated, Exempted & Discharged of & from any assessment & Tax to any Rate hereafter to be made in Portsmo afores^{d} : But as to the Right of Rating, Taxing & Assessing shall be deemed & taken to belong to Greenland, afores^{d} & shall be liable & obliged to pay for the same there under the same Rules & Regulations as for any other part of his Real Estate within the Bounds of Greenland afores^{d}, & as other Real Estates are in said place. Sent up by Capt. Moulton. [Concurred.]

Thursday March 23d, 1758.

[P. 371.] Voted, That the Private Centinals & non-commission officers proposed to be raised for an intended Expedition against

Canada have the same bounty & wages as is given in ye Province of the Massachusetts Bay.

Sent up by Messrs Bell, Emerson & Seavey. [Concurred.]

The Bill for raising Eight hundred men to be Imployed in the intended Expedition to Canada, & for provision for their pay, &c. being read three times,

Voted, That it pass to be enacted. Sent up by Messrs Bell, Emerson & Seavey. [Concurred.]

Mr. Sec^y came down with a verball message from his Excellency, viz. That his Excellency, by and with the advice of his Majesty's Council had laid on an Embargo, on all shiping till the 1st day of June next & desireing the Assembly to pass an Act confirming the same, and laying a smart fine on all such offenders who shall presume on the Breech of said Act, & Likewise informed the house, that his Excellency had Received a Letter from General Abercrombie, inform^g him that he expected the province to furnish all their provincials with arms, bayonets, powder horn, bag to carry Bullets, & a case to their Lock, & every thing necessary to the arms, & that If any of them were lost or hurt in the service he would pay for them.

[p. 372–3.] Fryday March 24th 1758, p. m.

The Bill for laying an Embargo on shiping having been read three times,

Voted That it pass to be enacted. Sent up by John Knight Jun. Esq. [Concurred & Assented to.]

Saturday March 25th 1758.

[p. 374.] Whereas there are many settlements on the West side of Merrimack River, who have never yet paid any Province Tax to the support of this Government, Therefore Voted, That Mr. Robert Clark be a Committee of this House to joyn with such as may be appointed by the Honble Council to make Inquiry into the state and circumstances of all towns and settlements to the westward of said River who have not paid a Province tax, & Report to the General Assembly as soon as may be, in order that they may be doomed their proportion to the Province Tax. Sent up by Mr. Knight.

[Copied from MS. Gov^rs Messages, Vol. III. p. 49.]

Gentlemen of the Council
& of the Assembly.

I am notified by one of his Majestys Principal Secretarys of State of

the death of her Royal Highness Princess Caroline which happend on the 28th of December last.

This notification I presume was intended to make public the death of a person of her distinction, so nearly ally'd to his Majesty, that a proper respect might be paid, by show in public stations, on so solemn an occasion.

I have the satisfaction to Inform you, that the King Enjoyed perfect good health on the 7th of January, tho' greatly affected with so melancholy an event.

B. Wentworth.

Council Chamber in
Portsmouth, March 25th
1758.

Journ. C. & Assem. Mar. 22d–25th, 1758. Doct Matthew Thornton allowed £25 for medicine & attendance on Benj. York, a sick soldier.

Jona. Blunt, allowed £25 for care of Benj. York, when sick.

Also, allowed Jona. Blunt, for charges on three French men taken in the woods to Portsmouth, £4 in full.

Allowed Moses Foster for charges on said French men £4 in full.

David Wilson, allowed wages in full.

Phebe Gage, widow of Lt. Thomas Gage, a soldier in last year's expedition, allowed £10 in full for loss of gun & some cloaths.

Jona. Barker, for loss of cloaths &c. at Fort Wm. Henry, allowed £31 : 5.

Benj. Glazier, Michael Johnson, Patrick Tobin, James Clement & Reuben Stevens, allowed as a gratuity for their loss & sufferings, in all £97 : 12 : 10.

[p. 375–376.] Wednesday, March 29th 1758.

The Bill for granting unto his most Excellent Majesty the sum of Twenty Thousand five hundred Pounds for the ends and purposes in said Bill mentioned, Having been read three times

Voted That it pass to be enacted. Sent up by Messrs Gidden, Wentworth & French. [Concurred.]

P. M.

Whereas his Excellency in his speech at the opening this Sessions is pleased to mention the granting men for & Enlarging of Fort Wm & Henry this present year, therefore

Voted, That Collo Peter Gilman Esq. Capt. John Wentworth & Capt. Thoms Wk Waldron be a Comittee of this house to joyn with such as may be appointed by the Honble Council to view sd Fort & to make Report to the General Assembly as soon as may of its state & what they think necessary to be done thereto in our present circumstances. Sent up by Jno Knight, jun. Esq. [Concurred & Comtee added.]

[p. 377–378.] Thursday March 30, 1758. P. M.

Voted, That the following Establishment of Sterling money for wages of the officers & soldiers to be raised in the Province this year for the intended Expedition to Canady, who are to be formed into one Regiment, be, pr month, as followeth :

For one Coll° of said men pr m° without any money for his Table		£15 : 0 : 0
For one Lt. Coll°	pr m°	12 : 10
One Major	pr Do.	10 :
8 Captains, each,	pr Do.	6 :
16 Lieuts. Do.	pr Do.	3 : 15
8 Ensigns Do.	pr Do.	2 : 12 : 6
1 Chaplain	pr Do.	6 :
1 Adjutant	pr Do.	3 :
1 Chirurgion	pr Do.	7 : 10
1 Chirurgeon's mate	pr Do.	4 :
32 Sergeants	pr Do.	1 : 12 : 3¾
32 Corporals	pr Do.	1 : 8 : 11¼
8 Drummers	pr Do.	1 : 8 : 11¼
689 Private Centinels	pr Do.	1 : 7 :
800		

And further voted, That as Bounty & Gratuity each non commissioned officer & Private soldier shall Receive at the time of his Enlisting Twenty two shillings & six pence as a Bounty & at the first muster a Blanket & thirty seven shillings & six pence more to furnish himself with cloaths, Also that each non-Commissioned officer and private soldier that shall so voluntarily Enlist himself before the Twentieth of April next & proceed in s^d service shall have the further sum of seven pounds ten shillings paid to him (or his legal representative) Provided Canady by the proposed Expedition is subjected to his Majesty's Government; and also that the private soldiers from the time of their Enlistment shall receive six pence pr day for their subsistance till the King's provision is issued to them, in expectation of its being paid. And further voted, That both officers & soldiers Receive one months pay advance before they march, That each Enlisting officer shall Refund all bountys by him paid to soldiers that do not pass muster for the service, and that said Enlisting officers Receive as Bounty two shillings for each man by him Enlisted & so mustered.

Sent up by Messrs Seavey & Richardson ye 31st Inst. [Concurred & assented to.]

[P. 379.] Fryday, March 31st, 1758.

Mr. Secretary Atkinson came down & Informed the house that his Excellency had assented to the Act for Raising the Eight hundred men, and the Act for supplying the Treasury with Twenty thousand five hundred pounds was assented to, & Likewise bro't down the petition of Capt. John Titcomb prays an allowance for a horse lost which was read.

This forenoon taken up in settling allowances. Adjourned till 3 o'clock

P. M.

[P. 381.] Whereas the allowances made the Council & members of the General Assembly by vote of the 19th of April 1756 is not sufficient for the Extraordinary charge & expence they are obliged to be at, therefore

Voted, That each member of his Majesty's Council be allowed seventeen shillings for every day of their attendance in Genl Assembly from the 26th day of April 1757, until ye Dissolution of the present Assembly, & also nine pence pr mile for travelling to & from the place of the sitting of the General Assembly every time the General Assembly is adjourned or prorogued from Saturday to Monday or for any Longer time during the said term, the same to be paid by the Treasurer upon certificate from the Secretary. Also That each member of the present house of Representatives be allowed the sum of fifteen shillings for every day of their attending in General Assembly from the 26th day of April 1757 until the Dissolution of the present General Assembly, also nine pence pr mile for Travelling to & from the place of the sitting of the General Assembly every time the General Assembly has been or shall be adjourned or prorogued from Saturday till Monday or for a longer time except such as Live more than Twenty miles Distant from the place where the General Assembly sits, who are not to be allowed Travels unless when the General Assembly has been or shall be adjourned or prorogued for a Longer time than from Saturday to Monday; but when the adjournment or prorogation hath been or shall be from Saturday to Monday instead of travell to be allowed one Days pay, & that the said [P. 382.] members be paid by the Treasurer upon a certificate from the Clerk of the house of Representative, and that the Clerk of the present House of Representatives be allowed the Sum of fifteen shillings pr Day for each Day of his attendance in General Assembly in that capacity (exclusive of his wages as a member of the house of Representatives) to be paid him by the Treasurer upon a Certificate from the Clerk of the house of Representatives —All these allowances to be paid out of money in the Treasury by the province Tax the last year for the support of Government. Sent up by Messrs Bell & Seavey.(a)

Adjourned.

[Allowances made by the House and Concurred by the Council.]

(a) Journ. C. & Assm. Mar. 30th & 31st 1758. Capt. Trueworthy Ladd's acct. allowed, for going to No. 4, £5 in full.
Capt. John Ladd, allowed £12 : 10, for carrying up blankets to No. 4.
Matthew Livermore Esq. for drawing acts & as Attorney General, £25.
Thomas Packer Esq. Sheriff, £15.
Rev. Mr. Langdon & Rev. Mr. Haven, each, £9.
Benj. Akerman, door-keeper, decd—to his legal Representative, £18 : 15.
Nathaniel Fellows, door keeper, £10.
Hon. Theo. Atkinson, Secy, £187 : 10, new Tenor.
Thos. Wentworth's wages, stoped, as a deserter.
Excise Committee, allowed £16 : 12 : 6.
For sundry mistakes in making Capt. Anthony Towle's muster Roll.

Saturday, April 1st 1758.

[p. 382.] Mr. Secy Atkinson came down & Informed the house his Excellency had assented to the vote for settleing the wages & allowances to the officers and soldiers for the present Intended Expedition against Canada, & likewise Bro't down his Excellency' Messa of this day (a)—which was read.

(a) Jour. & Assm. April 1 1758 His Excellency sent the Secy to the House with a written Messa to the Assembly acquainting them that he had received from Govr Fitch of Connecticut Colony an acct that that Colony had, in order that there might be a Harmony subsist among the forces raising in the six Northern Colonys, *had* appointed a Congress to be held at Hartford & that he had Notifyed the respective Governors of each Colony therewith, desiring them to send Commissioners to meet at Hartford on the 19th of April curr^t to agree upon measures that may promote a uniform Expedition & an effectual proceeding therein—and recommended their making provision to defray the expence of such Commissioners as he should appoint, which message was accordingly delivered to the Speaker in the house.

Governor's Message.

[Copied from MS. Govrs Messa. Vol. III. p. 53.]

Mr. Speaker &
Gentlemen of the Assembly.

The Honble Thomas Fitch Esq. having acquainted me by his let^ter of the 25th of March that the General Assembly of the Colony of Connecticut, in consideration of the Importance it was, that a good Harmony should subsist in & among the forces raising in the six Northern Colonys, had appointed a Congress to be held at Hartford, & had notified the respective Governors of each Colony therewith, desiring them to send Commissioners to meet at Hartford the 19th day April, to confer and agree upon measures that may tend to promote an uniform Expedition and an effectual proceeding therein.

And as every measure that may have a tendency to promote the present Expedition ought to be pursued, I must recommend it to you to make a sufficient grant to defray the Expences of the Commissioners I shall appoint to appear at said Congress in behalf of this Province.

B. Wentworth.

Council Chamber in
Portsmouth, April the 1st, 1758.

Letter from Gov. Wentworth to Secretary Atkinson.

[Copied from MS. Gov^rs Mess^a Vol. III, p. 51.]

Portsmouth, April 1st 1758.

SIR—

I have made such alterations in the beating orders & Enlistments as I think there can be no objection left. I have with concern observed the direction of the Assembly for the disposition of the forces, but they might better have employed themselves, and then been less exposed.

As the Coll^o is not allowed table money, the Lieut. Coll^o & Major & himself must keep a table joyntly, which the Major is not able to do with his ten pounds pr month.

The Cap^ts the Lieut^s & Ensigns are to rank with the regulars, and of course the Capt his two Lieuts and Ensign are to mess together, but Lieuts and Ensigns as their pay now stands must keep company with the non-Com^n officers or spend more than their pay doubly over.

Notwithstanding I have these material objections to the vote, I have consented to it.

I send herewith all the other papers you sent down, except Parkers long act which I think never to read.

I send also a message to the Assembly to make a grant for Com^rs to go to Hartford,—whether they will do it is uncertain. If the house make a grant of money to pay the Expence that will arise on sending Com^rs I shall appoint them, this you will know by twelve o'clock, and if there is every thing done that can be expected from the Assembly relating the Expedition, you are hereby directed to adjourn the Genl Assembly until Tuesday, the Eighteenth day of April instant, at ten in the forenoon, when it is my desire the members of both houses may attend the first day, I shall expect to see you at noon if your cold will allow it.

I am, sir, your hum^bl serv^t.

B. WENTWORTH.

Coll. Atkinson.

Voted, That the following message be sent to his Exc^y in answer to his message of this day.

May it please your Exc^y

Your Exc^ys message of this day is before the house. If your Exc^y thinks it proper to lay Govr Fitch's letter with the vote of the Genl Assembly of the Colony of Connecticut & any other papers that may give light in the matter before us, that thereby we may have a perfect understanding of what is proposed to be done at the intended Congress we shall be ready to do what may appear to be our duty & for the good of the common cause.

Henry Sherburne, Speaker.

Sent to his Excellency by Mr. Seavey.

[P. 384.] Adjourned by order of his Excellency to Tuesday 18th Instant, 10 o'clock, A. M.

Tuesday April 18th 1758

Met and adjourned till 3 P. M.

Mr. Secretary Brot Down his Excellencys Mess^a of this date desiring more men to be raised & for passing an act for Drafting the

men as he apprehends there will not a sufficient number enlist, which was read & on file. This afternoon taken up in confering about his Excellency's Mess[a] of this date.

Governor's Message.

[Copied from MS. Gov[rs] Mess[a] Vol. III, p. 57.]

Mr. Speaker and
Gentlemen of the Assembly.

The immense Expence his Majesty has been at in Transporting his regular forces into North America, and in Equipping and sending hither such a part of the Royal Navy as shall be superior to what the French King can bring against them, in order to attempt an invasion against Canada and Louisbourg, are such marks of the Royal care and concern for his American Dominions, that no consideration can be admitted on the part of the Colonies that may ever have the appearanco of defeating this great and glorious design, so wisely calculated not only for the peace and happiness of our posterity, but for securing us in the peaceable Enjoyment of our Civil and Religious Privileges.

I cannot with certainty determine the number of men Enlisted in consequence of my beating orders, but from the money I have caused to be issued out of the Treasury for this service if the whole sum should be be employed, it will not pay five hundred men five dollars pr man, from which circumstance I am apprehensive there will be a deficiency in the forces intended to be raised in this Government near one half, as I fear many of the voluntiers when they are mustered will be rejected as non-Effectives.

Major General Abercromby (1) has acquainted me that Fort Edward is appointed the place of general Rendezvous for the forces raised in the six Governments for the present Expedition, and that he has appointed the tenth day of May next for the whole to assemble, Expecting I shall not fail of marching the regiment from this Province to be there at the time, as any delay will be very injurious to his Majesties service.

I must therefore in the most pressing terms desire that an effectual Law be passed to enable me to compleat the Levies granted for this Expedition, and I must further acquaint you that Major General Abercromby presses hard for an augmentation of your grant to 1000 men which I hope you will also take under consideration, presuming that all the other Colonies must add to the grant they have already made to compleat the 20,000 men the King has been pleased to assign as the part we are to bear. I hope you will make no opposition to a matter so interesting to ourselves, especially when you consider what an Everlasting reproach it must entail on the Colonies should any part of this Expedition fail through our neglect or misconduct.

B. Wentworth.

Council Chamber in
Portsmouth April 1758.

Wednesday April 19th 1758.

[p. 385.] His Excellency's message was again read & the

(1) Major General Abercrombie, was appointed, under the Earl of Loudoun, commander of the Troops sent over from England. He arrived at Albany June 1756. He brought over with him the 35th regiment, and the 42d, or Lord George Murray's regiment of Highlanders. In July 1758, at the head of an army of upwards of 15,000 men, with a formidable train of artillery, he was repulsed in an attack upon Ticonderoga.—Ed.

house Immediately took the same under consideration, & spent this forenoon in conference thereon waiting for a fulier house.

Mr. Speaker adjourned till 3 o'clock

P. M.

Voted That the Treasurer send out his warrants for collecting the province Tax for the currant year, which may be paid in species agreeable to the prices fixed & sett to the following articles, viz.

Good merch^ble well dress'd hemp of ye growth of this province		pr pound	£0: 3:6
Good merch^ble well dress'd flax,	do.	pr Do.	0: 3:
Winter first fair Isle of Sable merch^a cod-fish,		pr Quintall,	3:10:
Barr Iron		pr hundred,	5:
Rye the groath of this province		pr bush.	0:10:
Winter wheat	ditto	pr Do.	1:
Barley	ditto	pr Do.	0:10:
Peas	ditto	pr Do.	0:15:
Indian corn	ditto	pr Do.	0:10:
Pork	ditto	pr Do.	0: 1:3
Beaf	ditto	pr Do.	0: 0:7½
Merc^a white pine Joyst		pr thousand	4:
Merch^a white pine Boards		pr Do.	5:
Merch^a white oak, 2 Inch oak plank		pr Do.	15:
Beas Wax		pr pound	0: 3:6
Pitch		pr Barrel	3:
Tarr		pr Do.	2:
Turpentine		pr Do.	3:
Bay berry wax		pr pound	0: 2:6
Tanned sole leather		pr Do.	: 3:

N. B. This was Return'd ye 20th day and another sent up in the room ye 21st Instant.

Sent up by Capt. Richardson.

Fryday, April 21st 1758.

[p. 388.] Mr. Sec^y Brot down the vote of the 19th Inst. for settling the prices of the several species for amendment & the following was sent up in this day—the other being on file.

Voted That the Treasurer send out his warrants for collecting ye province Tax for the currant year, which may be paid in specie, agreeable to the prices fixed & sett to the following merchantable articles of the produce of this province.

Barr Iron	£3:	pr hundred
Well dressed Hemp	: 1	pr pound
Indian Corn	: 6	pr Buss.
Rye	: 6	pr Do.
Peas	:10	pr Do.
Pork	0: 0:7	pr pound

Winter & Spring Cod-fish	1:10:0	pr Quintall
Flax	: 1:0	pr pound
Winter wheat	1: 0:0	pr Buss.
Barley	:10:	pr Do.
Beaf	: :7½	pr pound
White pine Joyst	4: 0:0	pr thousand
White pine Boards	5: 0:0	pr Do
White Oak 2 Inch plank	15: 0:0	pr Do
Bees wax	0: 3:6	pr pound
Bay berry wax	0: 2:6	pr Do
Pitch	3: 0:0	pr Barrell.
[p. 389.] Tarr	2: 0:0	pr Do
Turpentine	3: 0:0	pr Do
Tanned sole leather	0: 3:0	pr pound
Tallow	: 1:0	pr pound

Sent up by Capt. Richardson. [Concurred.] (a)

[Votes of the House, &c. concurred by the Council.]

(a) Journ. C. & Assm: Ap. 18–25th 1758. Jno Noyes petition for Parish privileges at Suncook. Liberty to bring in a bill.

Additional Act for impressing 800 men.

Allowance of Hannah Horney's acct for candles &c for Genl. Assembly, £22 : 16.

Amos Seavey's acct for fire-wood, £37 : 10

Caleb Daulton's & Robt. Kennady's wages, that had been stoped, allowed.

Benj. and Mary Hobb's petition for Division & partition of real estate, granted.

Coll. Goffe, allowed £178 : 15s. for losses at Fort. Wm. Henry.

Capt. Hercules Mooney, £67 : 10.

John Spear £29 : 5
John Parker £53 : 10
Jonathan Young £25 : 10
Ens. John Moor £36 : 14
} for losses at Fort Wm. Henry.

[p. 391.] Tuesday April 25th 1758.

Mr. Secy came down & informed the house 'twas his Excellencys orders to him to adjourn the General Assembly till Monday next the first day of May next to 10 of clock before noon, & then to meet at this place again, & said accordingly in his Majesty's name they were adjourned.

[p. 392.] Monday, May 1st 1758.

Not a sufficient number to make a house, adjourned [from time to time] till

Wednesday, May 3d 1758.

Mr. Secy Brot Down his Excellency's Messa of the 2d Inst. which was read, Relating the Fort & Prison. Likewise Brot down his Excellency's Messa of this Date Relating the pressing of Quakers &c. & sundry papers relative thereto all which was read.

Governor's Message, May 2d.

[Copied from MS. Govrs Messa, Vol. III, p. 61.]

Mr. Speaker &
Gentlemen of the Assembly.

You cannot but be sensible of the necessity of makeing provision for a suitable number of officers & men to be posted at his Majestys Fort William & Mary for the Summer season, and as the room in the old Fort is too scanty for proper barracks to accommodate a sufficient number of men for the defence of that Fort, I am hopeing you will enlarge your Grant so as to enable me to make the necessary alterations for the defence and safety of that Garrison.

You are likewise sensible of the Insufficiency of the Provincial Goal, I have been expecting an additional Grant to the money now in the Treasury for that service, either to put the old Goal in a full repair, or to build a new one in a more suitable place, that prisoners may be better accommodated—both these provisions I recommend as absolutely necessary & for the Honor & safety of the Governmt.

B. Wentworth.

Council Chamber in
Portsmouth, May 2d 1758.

Governor's Message, May 3d.

[Copied from MS. Govrs Messa Vol. III. p. 67.]

Mr. Speaker & Gentlemen
of the Assembly

I think it for his Majestys service & the good of the Expedition, to recommend to your consideration, the making an Act similar to an Act passed lately in the Government of the Massachusetts (to which I refer you) obliging the people called Quakers, to bear a proportionable part in the present Expedition, either in men or money.

From the returns made from the Colonels of the Regiments for the present Levys, am fully convinced of the necessity of such an Act, for in several of the Companys in Coll. Wallingfords regiment, it is represented to me that one third part of them skreen themselves under the profession of being Quakers which has greatly retarded the raising the men in that regiment and makes the drafts from these Companys exceeding difficult & beyond a due proportion—for remedying this evil so detrimental to his Majestys service, I hope no time will be lost in preparing an Act which appears to me so just & equitable.

Council chamber in
Portsmouth, May 3d 1758.

B. Wentworth.

[p. 393.] P. M.

His Excellency's two Messa of ye 2d & 3d Instant being read again—

Whereas there is provision made for but one chirurgeon & one chirurgeon's mate to proceed with the Regiment to be raised in this Province for the Intended Expedition—wch being insufficient—

Voted, That there be provision made for one chirurgeon more & the Committee are hereby impowered to provide a suitable person.

Sent up by Mr. Seavey. [Concurred.]

Adjourned.

[p. 394.] Fryday May 5th 1758.

Whereas the province Goal is very old and decayed & not worth repairing,

Voted That there be a new Goal Built on the same lot of land where the old Goal stands, that Collº Peter Gilman, Esq. be a Committee of this House to joyn with such as may be appointed by the Honbl Council to build the same & said Committee are hereby fully Impowered immediately to Build a new Goal of such materials & in such manner as they may think will be most comodious to answer the End of a Goal with convenient apartments for the Goal keeper to dwell in, & that the money in the Treasury by virtue of the Interest of the Twenty-five Thousand pounds Loan appropriated for that use be paid unto said Committee to enable them to go on with said affair, & if that proves insufficient that such a farther sum as may be needfull be paid out of the unappropriated money in the Treasury by the Province Tax last year,—that said Comittee Render account to the General Assembly, that they make such use & improvement of the materials of the present Goal as they may think most advantageous. Sent up by the Clerk. [Concurred.]

P. M.

Voted; That his Excellency the Governor be desired to give orders for the Enlisting or Impressing Thirty good effective men to [p. 395.] be posted at his Majestys Fort Wm & Mary till the 28th of Sept next to be Employed in labouring, watching, warding & Exercising the Great Artillery as his Excellency the Governor shall order, that each man be allowed six pounds pr month wages, to be paid when the muster Roll shall be made up & allowed by the General Assembly, That provision be made by Thomas Bell, Esq. for Billeting them, that he supply them with the usual quantity of meat, Bread, pease & one Gill of Rum per day & be allowed three shillings & six pence pr Day for each man so supplyed, That Thomas Bell Esq. receive money out of the Treasury to enable him to provide for the Billeting the aforesaid men.

That the Captain of said thirty men be allowed fifteen pounds pr month, and an experienced Gunner Ten pounds pr month, & further Voted, That Thomas Bell Esq. & Capt. Thos Wk Waldron be a Committee of this house to joyn with such as shall be appointed by the Honble Board immediately to provide such proper materials for Repairing the Batterys & platforms at said fort, & also to procure twelve new Carriages for ye cannon there if needfull & Repair such of the old ones as his Excellency the Governor shall order, & that they be supplyed with money out of the Treasury to enable them to carry the same into execution & lay their accts before the General Assembly as soon as may be. Sent up by Thomas Bell Esq. [Concurred & a Committee added.]

Wednesday May 10th 1758. P. M.

[P. 399.] Mr. Secy came down & said he was directed by his Excellency to Recommend to the house the making provision for a Quarter master for the eight hundred men raised for his Majesty's service this year, & also the providing money to be paid the soldiers as shall be thought proper while in service, to provide them selves *slops*(1), &c.

The house taking under consideration the first part of the Secys message this afternoon Recommending provision for the pay of a Quarter Master, Determined the same in a negative viz. 4 yeas to 8 Nays.

The house taking the other Part of said message under consideration for providing money for said soldiers while in service Determined that they be allowed two Dollars pr month if a way to procure them can be found out.

Whereas his Excellency by verball Messa delivered by Mr. Secy this afternoon is pleased to propose that money should be supplyed the Regiment this year, & whereas it may be less charge to this Government than to send *slops* for them, Therefore Voted that his Excellency be desired to request his Majestys General to lend the province a sum not exceeding sixteen hundred Dollars pr month while the said Regiment is in service, & pay the same to the Colloe. or Commander in chief of said Regiment & take his Bill on the Treasurer of said Province therefor, & further voted, That the said Colloe or commander in Chief of said Regiment, be hereby ordered & directed to pay to each of the officers & soldiers of sd Regimt two dollars pr month if the same be desired, & that he be accountable for the whole sum he shall so Receive, & farther voted that ye Treasurer of ye Province for the time being be & hereby is Impowered to pay the same.

Sent up by Mr. French. [Adjourned.]

Thursday May 11th 1758.

[P. 400.] Mr. Secy Brot Down His Excellys Messa this forenoon of the 3d Instant with his Majesty's 29th Instruction as therein mentioned, Both which was read & Likewise Govr Thomas Fitch's Letter to his Excellency of ye 2d Instant for granting men for No. 4 &c, which was read(a)

(a) Journ. C. & Assem. May 11, 1758. Also a Letter his Excellency received from Governor Fitch of Connecticut acquainting his Excellency that the Rangers belonging to that Government that were Posted at and

(1) "Slops." Trousers, a loose lower garment, drawers; hence, ready-made clothes, bedding, &c. *Web. Dic.*—Ed.

about No. (4) would soon be Discharged & Desired some method might be taken for placing a Garrison in those places, which was read at the board & sent down. [Gov. Fitch's letter has not been found.]

Governor's Message, May 3d.

[Copied from MS. Govrs Messa Vol. III. p. 63.]

Mr. Speaker &
Gentlemen of the Assembly—

The delay there has been in the Assembly in not providing a fund for the payment of that part of my salary which arose from the Interest of the £25,000 loan, makes it necessary for me to lay before you His Majesty's 29th Instruction, in consequence of which Instruction the Assembly on my first arrival in my Government settled on me during my administration, £250 Proclamation money, payable out of the Excise or any other money that might be in the Treasury, & £250 like money payable out of the Interest ariseing from the £25,000 loan, which has ceased to be a fund for some years past, and so many Inconveniencies may arise to his Majesty's service, if an adequate provision is not made for that part of my salary which determined when the Interest of the £25,000 Expired, I can make no doubt but that after you have taken his Majesty's 29th Instruction under consideration, which will be herewith delivered to you, you will make an ample provision for supporting the dignity of his Majesty's Commission, as well for the time past as for the time to come; which will prevent all Inconveniences & be acceptable to his Majesty who takes great pleasure in making suitable provision for the Honourable support of his servants.

B. Wentworth.

Council Chamber in
Portsmouth, May 3d 1758.

His Majestys 29th Instruction relative to the Governor's Salary.

"Whereas Several Inconveniences have arisen to his Majesty's Gov-
"ernment in the plantations by gifts & presents made to his Governors
"by the Assemblys, you are therefore to propose to the Assembly at their
"first meeting after your arrival that an Act be passed for raising a pub-
"lic Revenue for defraying the necessary charge of the Government, and
"that therein provision be particularly made for a competent Salary for
"yourself as Governor & Commander in chief of said Province, for sup-
"porting the dignity of the said office, and that it be enacted to be paid
"in Sterling, or Proclamation money, or in Paper bills of credit current
"in that Province in proportion to the value such bills shall pass at in Ex-
"change for silver, that thereby you may depend on some certain Income
"and not be liable to have your stipend varied by the uncertain value of
"paper money."

Mr. Secy Brot down the petition of Sundry of the inhabitants of Hampton Relating the Small Pox.

Adjourned till 3 o'clock,

P. M.

Whereas the Small Pox is in the town of Hampton & under such circumstances (The Selectmen of Said town neglecting to use proper methods to prevent the spreading thereof) as that there

is great danger of its spreading in said Town unless Speedy means be used to prevent the same ;—

Resolved That the selectmen of said Hampton be directed & Required immediately and without any further Delay use all proper methods for preventing the spreading the Small pox in said town by causing all infected persons to be Removed to seperate Houses to be by them provided for that end & providing proper Nurses & attendance for the sick & they are hereby Impowered, directed & Required to do the same under such pains & penalties as his [p. 401.] Excell^{y} the Govr & Council shall see meet to inflict upon them for their neglect, and the Justices & Constables of Said Town & all other Inhabitants thereof are required to be aiding & assisting to the said selectmen herein, under such pains & penalties as aforesaid.

Henry Sherburne, Speaker.

Sent up by Capt. Moulton. [Concurred.]

Fryday May 12th 1758.

His Excellencys Mess^{a} of ye 3^{d} Inst. & the Instruction therein mentioned being again read, The house took the same under consideration Imediately & Resolved to let the same lay till a fuller house, being but thirteen members, and there was seventeen members when the vote passed Relative to said Message, and

Voted That Coll^{o} Peter Gilman Esq. be sent to his Excellency with the following Message, viz.

To inform his Excellency that there was a thin house at present & that they had Determined to let the consideration of s^{d} message Lay till a fuller house, & to desire that his Excell^{y} would be pleased to adjourn the house over next week, it being a busy time at present, 'twas thought by the house that the members could not attend if adjourned till Monday.

Adjourned till 3 o'clock,

P. M.

[p. 402.] Col^{o} Gilman who was sent with a verball Mess^{a} to his Excell^{y} in the forenoon, is returned & Informed the house that 'twas quite agreeable to his Excellency that the settleing his Salary mention'd in his Mess^{a} of the 3^{d} Ins^{t} might Lay till there was a fuller house, & that he should order the Sec^{y} to adjourn the Assembly over next week. Likewise that he should order the Sec^{y} to inform the House, that there was want of arms, &c. &c.

Mr. Sec^{y} came down & said that his Excellency ordered him to acquaint the Assembly that there was not arms sufficient to send the soldiers forward that were Inlisted (without pressing them) & desired that the Assembly might give some orders relative thereto.

The house immediately took the same under consideration & Determined by yeas & Nays that they would pass no vote to Impress any arms.

Mr. Sec^y came down & Inform'd the house 'twas his Excellency's order to him to adjourn the General Assembly till Wednesday the 24th Instant 10 of the clock before noon & said accordingly in his Majestys name we were adjourned.(a)

[Votes &c. passed by the House, concurred by the Council.]

(a) Jour. C. & Assm. May 1st–12th. Paul Rendall allowed £41 : 11 : 6, & Moses Boynton £38 : 9 : 6, for escape of a debtor from goal.

Maj. John Gillman for cloaths &c, lost at the surrender of fort Wm. Henry £330 : 13 : 3.

Bill to prevent fraud in cord wood offered for sale, passed.

Allowance to Soldiers who lost arms, clothing &c. at fort Wm. Henry, viz to Joseph Bayly, £14 : 11 : 6, to Joseph Heath, £18 : 15, to Jacob Hancock £18 : 15. Abram Place, for sickness at Crown Point, £70, to John Hazzen for loss of cloaths, £46 : 16 : 6, Richd Emery £62 : 10, to Benj. Mooney £10.

Thomas Bell, Esq. acct for sundrys at fort Wm & Mary £57 : 14, also Muster Roll for soldiers, at s^d fort £296 : 5 : 10.

Bill to prevent Breach of ye Sabbath, passed.

[p. 403.] Wednesday May 24th 1758.

Met according to adjournment. Not a sufficient number of members present to make a house. Adjourned till

Thursday, May 25th 1758.

His Excellency's message Relating to his Sallary being again read, the house Immediately took the same under consideration, and the question being put whether the two hundred & fifty pounds pr year for his more Honorable & ample support arising from the Act for the Twenty-five Thousand pounds Loan, extended beyond the duration & continuance of the said Act, it passed unanimously in the Negative.

His Excellencys Mess^a of ye 3^d Inst. & the paper therein Referred to being again read:

[p. 404.] Whereas the vote of the Council and Assembly of the 21st of Decr last for granting unto his Excellency the sum of five hundred pounds new Tenor for his more hon^ble & ample support was not assented to by his Excellency the Governor, and

Whereas upon reconsideration of said vote it appears that the said sum is not sufficient for his Excelly's hon^ble support, therefore

Voted, That there be allowed & paid unto his Excellency Benning Wentworth, Esq. Governor & Commander in chief in & over the Province of New Hampshire out of the money in ye Treasury the Sum of Eight hundred & Twenty Eight pounds Two shillings

& six pence new Tenor for his more Honble & ample support in full to the 12th Day of Decr 1757, and that his Excellency draw the same out of the Treasury by his warrant by and with the advice of his Majesty's Council.

Henry Sherburne, Speaker.

Sent up by Messrs Bell & Knight. [Concurred.] Adjourned.

[p. 405–6.] Fryday, May 26th 1758. P. M.

Whereas Jno Hart, Esq. Col^o of the Regiment to be employed in his Majesty's service this year has represented to this House that he shall be necessitated to employ a suitable scribe & also praying some allowance for his service, therefore

Voted That such person belonging to the Reg^t (& not a com mission officer) as he shall employ for said service be allowed such addition to his wages as will make it fifty two shillings & six pence sterling per month. Sent up by Mr. Stevens. [Concurred.]

Adjourned.

[p. 407.] Saturday May 27th 1758.

Whereas it will be of advantage to have our Acc^t Rendered of all publick money Receiv'd by any person or persons out of the Treasury or on the Committee of War, therefore,

Voted, That said committee be desired to lay their accounts before the General Assembly as soon as may be. Sent up by Capt. Chamberlain. [Concurred.]

Adjourned by order of his Excellency till Monday next ye 29th Inst. 10 o'clock, A. M.

[p. 408.] Monday, May 29th 1758.

Met according to adjournment and adjourned till

Wednesday, May 31st 1758. P. M.

[p. 409.] Mr. Sec^y came down & said 'twas his Excellency's order to him to acquaint the assembly that his Excellency had some affairs of Importance to lay before them, & desired the speaker to order the attendance of the members that they might be more than just a bare House.

The speaker ordered the Clerk to write to all the members, to give their attendance Immediately, which was accordingly done. Adjourned.

Thursday, June 1st 1758. P. M.

Mr. Secy brought down his Excellency's Messa of this Day which was read—the house took the same under consideration Immediately.

Governor's Message.

[Copied from MS. Govrs Messas Vol. III. p. 73.]

Mr. Speaker & Gentlemen of the Assembly—

It has been represented to me by the Treasurer that there is not a sufficiency in the Treasury to set forward the whole of Collo Hart's Regiment, and as the speedy marching of that Regiment is of the last necessity to his majesty's service, I persuade myself you will without loss of time, consent & agree on measures that will answer the present occasions of Government, & leave a sufficiency in the Treasury for future Emergencys, which we may expect will frequently arise.

I have directed the Treasurer to prepare & lodge in the Secretarys office the state of the King's donation, which was lodged in the hands of Mr. Apthorp, and to show how the money has been issued out of the Treasury, for the satisfaction of the Council & Assembly.

The Act lately passed, assigning the fines for non-appearance of the militia on public days, and from absenting from duty after men are Inlisted or Impressed, are set so low that the grant of 800 men for the present Expedition cannot be compleated, and unless some effectual measure is Instantly taken, I am apprehensive the Regiment of Collo Harts will fall at least one hundred men short.

By the returns I have had from the Muster master the deficiency appears to be greater, and as his Majesty's pleasure has been signified that each Province shall be distinguished & rewarded according to the actual Zeal & Merrit in setting forward this Expedition, I leave it to you to Judge what plea of Zeal, or merrit we can have, if any deficiency happens in the Grant made, or that the regiment should be delayed from any unjustifiable motives or pretences whatsoever.

I must therefore press you in the most earnest terms, to take under your consideration, an adequate punishment to the Companys in the respective regiments, that have not fully comply'd with the Quota of men that I have Issued my orders to for the Collonels.

B. Wentworth.

Council Chamber in
Portsmouth, June 1st 1758.

Whereas his Excellency has been pleased to signify to this house by his Messa of this Day that there is not a sufficiency in the Treasury to send forward the whole of Colo Hart's Regiment therefore

Voted, That the Treasurer Immediately lay before the house the Acct of the Disposal of his most Excellent Majesties donation to this Province, sent over to New York in his Majesties ship Sterling Castle, and Likewise the Disposal of the Sterling money Borrowed of his Excellency Wm. Shirley Esq. Sent up by Mr. Seavey. Adjourned.

Saturday June 3d, 1758.

[p. 410.] Mr. Secy Brot down ye 1st Inst. the Treasurer's Ruff acct of his Majesty's donation &c.

His Excys Messa of the 1st Inst. was again read. The house took the same under consideration.

Whereas his Excellency the Governor is pleased by his Messa of the 1st Inst. to inform the house that there is not a sufficiency in the Treasury to set forward the whole of Colo Hart's Regiment &c. And Whereas it is provided by an Act passed the 24th of March past, Entitled an Act for Inlisting & Raising Eight hundred able bodied effective men, officers included, to be Employed against the French his Majesty's Enemy, "That in case such a "sum in Sterling bills shall not be seasonably disposed of as shall "be necessary for payment of the muster Rolls and carrying on "said Expedition, yt such a sum in paper Bills on the credit of "this Province, as shall be necessary therefor shall be emitted of "a new Tenor and form, Each bill to Express the value thereof in "Sterling money &c. as expressed in said Act,"

Voted That the Committee appointed by said Act to get the sd Bills imprinted be hereby directed and Impowered forthwith to [p. 411.] get the sum of two thousand pounds sterling thereof Imprinted on the best terms they can & deliver the same unto the Committee appointed by said act to sign them, taking their Rects therefor and the said Committee for signing are hereby impowered and Required to sign the said Bills and deliver them to ye Treasurer of this Province for the time being taking his Rect that the said Bills be used and Improved for the dispatching and carrying on the Intended Expedition agreeable to the votes and orders of the General Assembly.

Henry Sherburne, Speaker.

Sent up by John Knight Esq.

This vote was Returned the next Monday and a vote for borrowing £700 Str was sent up next day, [which was concurred by the Council.]

The Question being put whether the house would pass any Law or Resolve to punish the officers of the Delinquent Companys that have not furnished the Quotas of men and it pass'd in the negative. Adjourned.

[p. 412.] Tuesday, June 6th 1758.

Mr. Secy, the Honble Richard Wibird & Danl Warner Esqs. came down with a verball Messa from his Excellency & the Board, viz.

[That he could not accept the Grant for his Sallary unless the House would make it equal to the original grant made him by the £25,000 Loan, or that the words "in full," be struck out. Also,

That his Excellency desired an alteration in the vote relating to the repairs of fort Wm & Mary; Also to propose an alteration in the vote of the 2d inst relative to a Paper currency.]

[p. 413–'14.] Wednesday, June 7th 1758. p. m.

Voted, That the Committee of War provide a Standard for Colo John Hart, Esq's Regiment, one Drum for each Company & such a number of frying pans, as they shall think proper. Further Voted, That the said Committee provide two Tents for the officers, who are to pay for the same, provided the other governments don't find their officers Tents. Also voted yt said Committed send such a number of shoes as they shall think proper to be Delivered the soldiers by such person as they shall appoint keeping an acct thereof. Sent up by Jno Knight, Esq. [Concurred.]

Adjourned.

Thursday June 8th 1758.

[p. 415.] Mr. Secy came Down & said he was directed by his Excellency to wait on the speaker & house, & to inform that his Excellency said his officers had inform'd him there was some defect in the Law made for pressing men for this years Expedition, & that they could not be properly punished by said Act, & that there was a Deficiency of about one hundred men or more, & desired the house would take the same under consideration & pass an act to punish all Delinquents &c. and when that was done he should put an end to the sessions.

Colo Peter Gilman & Mr. Wiggin was sent to his Excely with the following verball message in answer to his verball messa of this day pr the Secy, viz. That the house had examd the Law refer'd to in ye foregoing verball Messa from his Excy pr the Secy of this day, & that they could not find out or apprehend any Deficiency therein, But that it Intirely was the officers fault that the Levys were not compleat, But that if his Excellency would be pleased to point out wherein the Deficiency Lay in said Act the house would Imediately Remedy the same as far as in their power, by passing any other proper Law or Resolve necessary for the speedy Levyg & Sendg forward the few Remaining Troops, &c.

Mr. Speaker adjourned till 3 o'clock

P. M.

The Comittee appointed in the forenoon to wait on his Excellency with a verbal Messa Returned this afternoon & made the following Report, viz. That they had Deliverd the Messa to his Excellency & after sundry pros & cons thereon, &c. his Excellency

thought 'twould be best for a Comittee of the house & Council should meet & consult thereon & pass some Resolve relative thereto.

[P. 416.] Whereas his Excellency has been pleased to inform this house that there is near one hundred men wanting to make up the Eight hundred, Granted by this Government for his Majesty's service the present year, & Whereas it is also represented that the officers in some of the Regiments have been defective in their obedience to his Excellency the Governour's orders for Raising men, therefore

Voted & Resolved, That the full complyment of men be imediately made up out of the Regiments & Companys that have not furnished their respective Quotas & that his Excellency ye Governor be earnestly Desired to cause the Laws now in force to be put in immediate Execution against all such officers & other persons as shall neglect their duty on this important affair. Sent up by Messrs Bell & Knight. [Concurred.]

[P. 417.] Fryday June 9th 1758.

Mr. Sec^y came down & said he was directed by his Excellency to adjourn the General Assembly to Tuesday the 4th day of July next to 10 o'clock before noon, and then to meet at this place & said accordingly in his Majesty's name we were adjourned (a).

[Votes &c. passed by the house & concurred by the Council.]

(a) Journ. C. &. Assm. May 24th to June 9th. John Waldron Smith, allowed for losses in the Crown Point expedition, 1756, £9.

Vote to raise the Excise on liquors &c.

Col. Clement March's Acct. allowed £5 : 19.

Daniel Pierce's acct allowed for five books of Record, £41 : 4 : 4½.

Cornet Caleb Clark, allowed for short pay as made up in Capt. Toole's company, & also for his servant, £17 : 5.

William McDougal, captivated last year & carryed to Canada, allowed £18 : 15.

[P. 418.] Tuesday July 4th 1758.

This being the day the General Assembly stood adjourned to, as appears by Record of June 9th was again further adjourned by the Sec^y pr his Excellency's orders to Tuesday the 18th Inst. to 10 o'clock before noon: [and so from time to time, till]

Tuesday Sept. 26th 1758, P. M.

Met according to adjournment.

[P. 419.] Voted, That the Secy be & hereby is desired to furnish the Treasurer with an attested copy of the number of men & their names that are actually in the service & pay of this governmt in Colo. John Hart's Regiment; this being done further Voted, That the Treasurer pay one months pay to each of the officers & soldiers their wives or Legal Representatives out of money in ye Treasury for the defraying the charges of this year's Campaign. Sent up by Mr. Seavey, Wednesday ye 27th inst. in ye forenoon. [Concurred.]

Wednesday, Sept. 27th 1758, P. M.

Mr. Secy Brot Down the vote of ye 22d Decr 1757 Relating the Governors house Rent, & the vote of the 25th May, 1758 Relating his Excellency's Sallary & said that they were both short of his expectation & not agreeable to former votes as he presumed & desired the House to take the same under consideration & make some farther allowance. Adjourned.

Thursday Sept. 28, 1758, P. M.

[P. 422.] The vote relating his Excellency Sallary & the vote relating his house rent,—under consideration.

Voted, That they adheard to their former above mentioned votes, & would make no further allowance, and the votes sent up again with the above message. Sent up by Col. Smith.

Voted, That there be allow'd & paid unto his Excellency Benning Wentworth Esq. Governor and Commander in Chief in & over the province atoresaid out of money that is or shall be in the Treasury, the sum of seventy five pounds new Tenor for one year's house rent from the 12th day of June 1757 to the 12th day of June 1758, & that his Excellency draw the same out of the Treasury by his warrant. Sent up by Coll. Smith. [Concurred.] Adjourned.

[P. 424.] Saturday Sept. 30th 1758.

Mr. Secy came down & said to the Speaker that he was ordered by the Governour to acquaint him that his Excellency had some affairs of great consequence for the interest of the Governmt to lay before the General Assembly & to desire that all the members might be sent for—and then said that he had orders to adjourn the Genl Assembly till Monday next to 10 o'clock, A. M. & accordingly said in his Majesty's [name] we were adjourn'd.

The absent members were all wrote to, to give their attendance accordingly.

Monday Octob^r 2^d 1758. P. M.

[P. 425.] Mr. Sec^y Brot Down his Excellencys Message to both houses of this date Relating an Address to his Majesty for a reimbursem^t for the year 1756, & to have all the acc^ts prepared & sent home to the agent, to be presented in proper time &c. being read—

Governor's Message.

[Copied from MS. Gov^rs Messages, Vol. III, p. 77.]

Gentlemen of the Council
& of the Assembly.

I think it of great Importance to the Government that the Legislature unite in an humble address to his Majesty in Council praying a reimbursement of the Expences incurred to the Province in supplying provisions & warlike stores, for the troops raised, and sent out for the Expedition in the year 1756. I must recommend it as a matter worthy the consideration of both houses, with all diligence to prepare the accounts relative to that service, that they may be transmitted, duly authenticated, with the address to your agent by him to be presented at a proper time, which being done, I have reasons to think the King will be graciously pleased to put this Government on an equal footing with his other Governments, although you have not been so vigilant.

B. WENTWORTH.

Council Chamber in
Portsmouth, October 2, 1758.

Voted That the Hon^bl Henry Sherburne Esq. & Col^o Joseph Smith, Esq. be a Comittee of this house to joyn with such as may be appointed by the Honble Council to prepare an humble address to his Majesty in Council praying a Reimbursement of the Expence incurr^d to the Province in supplying Provisions & warlike Stores for the Troops raised & sent out for the several Expeditions against Crown Point & lay the same before the General Assembly as soon as may be. Sent up by Capt. Richardson. [Concurred and Committee added.]

Voted, That the several Committees for the several Expeditions against Crown Point imediately prepare accounts of the Provisions & warlike stores supplyed by this Province for his Majesty's service in a proper manner to be transmitted to the agent to be by him laid before his Majesty in Council with the humble address of the General Assembly praying for allowance & payment thereof. Sent up by John Knight, Esq. [Concurred.]

Adjourned.

Wednesday Octob^{r} 4th 1758.

[P. 427.] The Committee for preparing an Address to his Majesty pr vote of the 2^{d} Inst. Laid the same before the house this forenoon—which was read & after many Debates thereon,

Voted unanimously that it be Immediately Ingrossed. [Concurred by the Council.]

Letter of Gov. Wentworth to Coll. Atkinson.

[Copied from MS. Gov^{rs} Mess. Vol. III. p. 79.]

Portsm^{o} Octr 4th 1758.

SIR—

I return the vote for sending home the Acc^{ts} of the Crown Point Expedition & the Address to his Majesty in Council, & as I am interested in the Address it will save time perhaps, for laying it before me, before it passes either house.

As for the acc^{ts} it is to be understood the acc^{ts} of & for the year 1756, in which nothing but subsistance for the men granted, & warlike stores are to be inserted, for should these acc^{ts} contain any other articles, it may retard if not defeat the intent of the application.

I am sorry the House can find nothing to amuse themselves about. I think there is business of consequence laying before them, which ought not to be deferred and put off for another assembly, but if they judge otherwise I cannot spend my time to persuade them into it.

I am, Sr. your hum^{bl} serv^{t}.

B. WENTWORTH.

Coll. Atkinson.

Address to his Majesty in Council.

[Copied from MS. Addresses to the King, p. 101.]

Province of New Hampshire.

To the Kings most Excellent Majesty.

The Humble Address of the Governor, Council & Assembly of your Majestys Province of New Hampshire in New England.

We beg leave heartily to congratulate your Majesty upon the Happy success of your Majesty's arms in these parts of your Dominions, Particularly in the reduction of the important City of Louisbourgh & its Dependencies and the conquest made by your Majesty's forces on the Lake Ontario. May your Majesty's arms & those of your Allies be ever victorious, til you have reduced your Enemies to justice & reason, & obtained a Peace Honourable and lasting.

Permit us, most Gracious Sovereign to Render our most unfeigned thanks for your Royal and Paternal Regard for the safety & wellfare of these your Northern Colonies in sending such Fleets & Armys not only to protect your subjects here but to penetrate into the Enemies country.

May we obtain Permission to represent to your Majesty that in consequence of your Majestys Repeated comands signifyed to us from time to time by our Governor, we have to the utmost of our Power exerted ourselves in raising, paying & subsisting such a number of forces from this Government to act in conjunction with your Majestys British Troops & the Forces raised in your Majesty's other Colonies in opposing & rendering abortive the Perfidious & Crafty designs of your Majesty's inveterate Enemies the French (our too near Neighbours) and to drive them from your Majestys Territories that we have far exceeded our abilities and in-

curred an insupportable Debt and without your Majesty shall be graciously Pleased to Extend your Royal Bounty, this your Majesty's Province must sink under our present weight of Debt and shall (to our great grief) be not only uncapable to afford your Majesty that chearfull and dutifull assistance you may most justly expect, but shall be utterly unable to defend this your Majesty's Province (which by the Blessing of God we have ever hitherto done) from the Incursions of our savage and cruel Enemies under these unhappy circumstances we beg leave in behalf of your Loyal & Dutifull subjects of this Province to Lay at your Royal feet Praying that as your Bounty has already been extended to some of your Majesty's other Governments (Engaged in executing these your royal Commands) that it may not finally stop short of this your Majesty's Little Province yet not Inferiour in Loyalty and obedience to those who with respect to other advantageous circumstances we do not pretend to compare. It would be too great a Trespass on your Majesty's Patience to attempt a Particular detail of the several causes that have Reduced us to our present Distress'd situation, in this Address; We therefore most humbly beg your Royal favour in Permitting the agent of this your Majesty's Province to represent to your Majesty the s^d^ Difficultys your poor loyal subjects here labour under, and to conclude with the most ardent Prayers for your Majesty's Temporall and Eternall Happiness.

In the House of Representatives, Octob^r^ 4th 1758, Voted unanimously that this address be presented to his Majesty.

Henry Sherburne, Speaker.

In Council, October the 5th 1758
read & concurred
Theodore Atkinson, Sec^y^.

[P. 432.] Tuesday, October ye 10th 1758.(a)

[Votes, Bills &c. passed by the House, concurred by the Council.]

(a) Jour. C. & Assem. Sept 27th to Oct. 10th. Committee to draft an act for a limitation of Taverns in this Province.

Allowance to Tobias Lakeman for care of three French prisoners, £3.

Saml Pickering allowed for Express to Kingstown & Chester, £2 : 14.

Committee to farm the Excise.

John Upton, a wounded soldier, allowed £8.

Daniel Fowle acc^t^ for printing, allowed £71 : 5.

Olive Russell, widow of Peletiah Russell (who was carried to Canada and died at Halifax) allowed in full, £100.

Philip Johnson, for sundry things lost at fort Wm. Henry, allowed £42 : 6 : 8.

James Hunter, allowed £4 : 10, for money burnt in his house.

Selectmen of Tewksbury, allowed £50, for taking care of Charles Row a soldier, in 1757, who died there, of small pox.

A Bill to enable Thomas Millet Esq. to convey certain lands, as Trustee.

[P. 433.] Thursday, October 19th 1758.

Mr. Sec^y^ came down & informed the House, that his Excellency had directed him to Dissolve the General Assembly of the Province of New Hampshire & said accordingly in his Majesty's name they were Dissolved.

God Save the King.

Taverns in New Hampshire.

[Copied from MS. Corr. Vol. III. pp. 141-143.]

Province of New Hampr } In the House of Representatives, Sept. 27th 1758.

Whereas the Act Impowering the General Sessions of the Peace within this Province to grant as many Tavern-keepers as they should judge convenient is expired, & whereas it may be greatly for the Benefit of the Governmt, to have the number of Taverns in each town & Parish within the Province Limited by the General Assembly:

Voted That a Bill be prepared Impowering the Court of General Sessions for Peace to grant Lycences for Taverners agreeable to such Limitation as shall be agreed on by the General Assembly, the Limitation not to take place till September next, & that Joseph Smith Esq. & Mr. Robt Clark be a Committee of this house to joyn with such as may be appointed by the Honble Council to prepare a Bill accordingly.

Andrew Clarkson, Clerk.

In Council September the 28th 1758,
read & concurred.

Theodore Atkinson, Secy.

Number of Taverns in New Hampshire, 1758.

Portsmo	8	Charlestown	1
Rochester	1	Keene	1
Litchfield	2	Hampstead	1
Rye	2	Derryfield	1
Barrington	1	Hampton	2
Nottingham, E.	1	Greenland	1
Pelham	1	Carterbury	1
Merrymack	2	North Hampton	1
Exeter	—	Monson	1
Hampton Falls	3	New Town	1
Brentwood	—	Kensington	1
Newmarket	3	Chester	3
Newington	1	Southampton	1
Bedford	1	Salem	2
Dunstable	2	Windham	1
Stratham	2	Bow	2
Nottingham, W.	1	Londonderry	3
Hollis	2	Epping	—
Plaistow	2	Durham	3
New Castle	3	Dover	3
Kingston	5	Gosport	1
2 in ye Old Parish, 2 at E Parish & 1 at Sandown.	—	New Ipswich	1
		Peterborough	1
Sumersworth	—	Sowhegan West	1
Madbury	1	Winchester (No 2.)	—
Epsom	1	Swanzey	1
Brattleborough	1	Hopkinton	1
Contoocook	1	Dunbarton	1

[P. 435.] Anno Regni Regis Georgii Secundi Magnæ Brittaniæ, Franciæ et Hiberniæ, Tricessimo Secundo Annoque Domini 1758.

A Journal of the House of Representatives.

At a General Assembly of his Majestys Province of New Hampshire began & held at Portsmouth in said Province on the fourteenth Day of November Being the second Tuesday in said month, 1758.

Tuesday Novr 14th 1758.

Onely two members then present, viz Eleazer Russell Esq. & Andrew Clarkson.

Mr. Sec^{y} came into the house & said that he desired we would take notice that we were adjourned till Thursday the 16th Instant.

Thursday, Novr 16th 1758.

Twenty members being present—The Honble Theodore Atkinson, Richd Wibird & Danl Warner Esqs. came into the house & said that his Excellency the Governour Directed them to administer the oaths appointed to be taken instead of the oaths of supremacy & allegiance, & accordingly administered the said oaths to the following Gentlemen who afterwards subscribed the said oaths & the Declarations.

Members Present.

		Distance from(1) Portsmouth. Miles
The Hon^{bl} Henry Sherburne, Esq. Eleazer Russell Esq. Andrew Clarkson Esq.	for Portsmouth.	
Capt. Thom^{s} W^{k} Waldron	Dover	10
Capt. John Wentworth	Summersworth	16
Mr. William Moulton Dea. Jonathan Tuck	Hampton	13
Capt. Richard Nason	Hampton Falls	17
Col^{o} Peter Gilman Mr. Zebulon Giddings	Exeter	15
Thom^{s} Bell, Esq	New Castle	5
Mr. Amos Seavey	& Rye	6
Mr. Benj^{a} Stevens	Kingston	19
John Knight jun Esq.	Newington	6
Matthew Thornton, Esq.(2)	Londonderry	38
Col. Joseph Smith, Esq.	Newmarket	16
Danl Little, Esq.	Plastow & Hampstead	30

(1) This table of distances is found appended to the list of representatives in a memorandum by the clerk.—Ed.

(2) This is the first time the name of Matthew Thornton—afterwards one of the signers of the Declaration of Independence—appears in the Provincial Records.—Ed.

Capt. Wm. Richardson,	Salem & Pelham	50
Jon[a] Lovewell, Esq.	Dunstable	52
Mr. Abner Morrell,	South Hampton	23
Capt. John Chamberlain,	Merrimack & Dunstab[l]	52
Mr. Tho[s] Parker	Lytchfield & Merrim[k]	50

[Other members appeared afterwards duly qualified, viz.]

Capt. Howard Henderson,	Dover	10
Mr. Thom[s] Wiggins	Stratham	10
Morse	Chester	35
Major Joseph Smith	Durham	12
Clement March, Esq.		5

Names of his Majesty's Council—with the Governor—present at the commencement of this session of the General Assembly.—Ed.

His Excellency, Benning Wentworth, Esq. Governor.

Theodore Atkinson	Esqs.	Jn[o] Downing	Esqs.
Rich[d] Wibird		Dan[l]. Warner	
Sam[l] Smith		Jos. Newmarch	
Sampson Sheaffe			

[p. 437.] Mr. Sec[y] came from Council Board & said 'twas his Excellency's orders to him to desire the house to proceed to the choice of a Speaker immediately & present him.

The House Imediately proceeded to the choice of a Speaker, and made choice of the Hon[ble] Henry Sherburne Esq. for their Speaker by a unanimous vote.

Col[o] Peter Gilman, Capt. Thom[s] W[k] Waldron, Deacon Jonathan Tuck & Andrew Clarkson, were sent to Council Board to inform that the house had chosen the Hon[ble] Henry Sherburne Esq. for their Speaker by a unanimous vote.

The above Gentle[m] Returned & said they had D'D y[e] Mess[a].

Mr. Sec[y] came down & Informed the house that his Excellency the Governor approved the Speaker—who was accordingly conducted to his chair, &c. &c.

The house made choice of Andrew Clarkson to be Clerk, who was sworn to the faithfull discharge of his office by Jon[a] Lovewell, Esq. Dec. 1, 1758.

Mr. Speaker called for the Rules of the House in order to have them settled (& Rectified if need) & while Debating thereon—Mr. Sec[y] came down & adjourned the house to Tuesday the 28th Inst.

[p. 438.] Tuesday Nov[r] 28th 1758.

Met according to adjournm[t]. His Exc[y] not being in town no speech made by his Excellency to the Assembly & no other Business for the house to act upon, adjourned, till

Wednesday, Novr 29th 1758.

Voted, That the Rev^{d} Mr. Saml Langdon & Rev. Mr. Samuel Haven be desired to pray with this house (at about 10 of the clock in the forenoon) alternately during this session or sessions, & that the door-keeper acquaint them thereof.

[p. 439.] Voted that a message be sent to Council Board to desire that the Kings writ for calling this the present Assembly together might be laid before the house.

Thom^{s} Bell Esq sent with the above Mess^{a}.

Mr. Sec^{y} Immediately Brot the same Down, which was read.

Adjourned till 3 o'clock

P. M.

The following Rules being read—

Voted, That they be the Rules of this house.

1st. That whosoever shall by any misbehaviour in speech or action justly offend any of the members of the house shall for the first offence be admonished, for the second fined, as the House shall see meet.

2dly. That no member speak twice untill every member have liberty to speak if he please.

3dly That every member direct his speech to the Speaker & not to one another & when any member has a mind to speak to any case that he stand up & ask Leave of the Speaker to speak.

4^{ly}. That whenever it happens that there as many votes on one side of the Question as on the other, without the Speaker, that then the speaker make the casting vote.

5^{thly}. That if the Speaker be absent, the house may choose a speaker pro Tempore, that the affairs of the house may be carried on without stop.

6^{thly}. That if any member after being Quallified & Entred shall absent himself at any time without leave from the house, he shall be liable to be fined at the Discretion of the house.

[p. 440.] 7^{thly}. That if any member of this house shall be by the major part of this house tho't unfit & not Qualifyed for said place, it shall be in their power to Dismiss such person giving notice to the Town or precinct where he belongs to choose another to fill up such vacancy.

8^{thly}. That every Bill to be passed in this house be read three times & that there be two adjournments of this house before any Bill be passed into an Act & that every member keep his place in the house & not speak out of it.

9^{thly}. That ye speaker with eleven members be a house to do Business.

10^{thly}. That no vote that is passed in ye house shall be reconsidered by a less number.

Capt. Chamberlain sent to the high sherriff & tell him twas the house orders that he Immediately Lay all his Precepts for calling the present Assembly before the house & the Returns thereon.

The High Sheriff immediately waited on the house & said there was all the Precepts & Returns, for the present house.

Adjourned.

[p. 441.] Thursday, Nov. 30th 1758.

The Honble Daniel Warner Esq. came down & said his Excellency the Governor was not up, but that the house was desired to attend the Council Board.

The members immediately attended, and Mr. Sec^y Atkinson read his Excellency the Governor's speech of this date & after the house had returned to their Room & taken their places, Thom^s Bell Esq & Capt. John Wentworth were sent to Council Board to desire a copy of the speech. [Sent down.]

Governor's Speech.

[Copied from MS. Gov^rs Mess^a Vol. III. p. 119.]

Gentlemen of the Council
and of the Assembly,

I have the satisfaction to open this session with my Congratulations on the success of his Majesties arms, both on the Continent of Europe and North America, the Reduction of Louisbourg and Fort Frontenac, (1) two important Posts to the Enemy, and not less so to his Majesty's Northern Colonies have been effected under the command of brave and able Commanders, with the loss of an inconsiderable number of the King's subjects when compared with the acquisition, which in a great measure must be ascribed to the kind interposition of Providence.

The Right Honorable Mr. Secretary Pitt, by his Majesties Especial command has advised me in his letter of the 16th of September last, (2) That it was the Kings Pleasure that Major General Abercromby should return to England, and that it was his Majesties further Pleasure to appoint Major General Amherst to succeed in the command of all his Majesties Forces in North America. This seasonable event I am apprehensive will remove every prejudice and Impediment to his Majesties service in future operations, it appearing to me that the change will be universally agreeable and particularly pleasing to the respective Governments from whom his Majesty will demand the aid of Troops for the reduction of Canada the next campaign, which the King has determined to undertake for the peace and safety of his American Dominions.

Gentlemen of the Assembly—

After recommending to you the Dispatch of the public business, I must desire that early provision may be made for the immediate payment of Collonel Hart's regiment employed the last Campaign for carrying the war into the Enemies country, to which end I have ordered him to pre-

(1) Situated at the N. E. end of Lake Ontario.—Ed.

(2) The letter of Sec'y Pitt cannot now be found.—Ed.

pare the Rolls of the respective companies in his Regiment, which shall be lodged in the Secretaries office, where you may have Recourse to them as there may be occasion.

It is his Majestys Express Commands that all Loans or money Issued on other necessary occasions, shall be punctually called in and sunk at their respective Periods, and all persons that have borrowed and taken up any sum or sums of money of the Loans shall be compelled to satisfie the said sums by all due and legal means, and that in case of any failure in the security whereby a loss happens, that it shall be supplyed and made good by an adequate Tax on the Inhabitants of such Colony where the loss happens. This is expressly required by a clause in an act of Parliament taking place in the Plantations from and after the 29th day of September 1751.

I have so often mentioned to preceeding assemblies the necessity of an act to oblige delinquent borrowers of the £15,000 Loan to make speedy payment of the sums from them respectively due, in a short and easy method, That was it not for the obedience I owe to his Majesties commands, I should not take up the least part of my time to mention it again.

I must further recommend to your attention the adding a clause in the above act to oblige all persons that have Received money out of the public Treasury for payment of bounty or otherwise to make speedy and immediate payment of their respective ballances which will be one means to come at the state of the Treasury, for until that can be accomplished a settlement of the Treasury accounts will be very imperfect.

The proper application of public monies ought regularly to be accounted for, that the mis-application of it may be seasonably examined and Enquired into.

That there has been large sums of money Issued out of the public Treasury for which there has been no accounts exhibited, is known to most of the gentlemen of this assembly, and as the Treasury accounts depend on the several Committees rendering an account in what manner the money has been expended, it appears to me that all attempts to know the state of the public Treasury will be fruitless, notwithstanding I shall give standing orders to the Treasurer to be prepared, and to have his accounts as far as it respects his office in readiness.

The address to his Majesty could not be transmitted to Mr. Thomlinson for want of the account of Expences to accompany it, the amount whereof should be in the Address and the Agent prepared to exhibit the account of particulars when called for.

It is a matter of complaint of the Chief Justice and other Justices of his Majesties Supreme Court of Judicature, that they have not a competency allowed them to support the dignity of that Court, the consideration whereof I have laid before a former Assembly, but as no provision was then made for their support, the Chief Justice resigned, likewise the other Justices, upon which I foresaw that many and great Inconveniences must arise upon that Court's falling. In order to prevent so great an evil to the Government with much difficulty I prevailed on the Chief Justice to continue in the Court for some time longer, which he consented to, and the other Justices followed him, upon which you may observe that the continuance of the Courts is not owing to the Assembly, but to my care and watchfullness.

The Grant made by the late Assembly for men and repairs to his Majesties Fort William and Mary, when I came to examine into the state of the Fort, I judged fell short of what was necessary to be done, and the season being too far advanced to procure Timber for Carriages referred to in the grant, which also fell short of what was necessary to be set up, so that little more than the ordinary annual expence of the Fort will be incurred, the scarcity of artificers rendered the carrying on any work to advantage difficult.

There has been from time to time considerable savings in the Grants made for the Fort, I am in expectation that a proper grant will be thought necessary by the House to Enlarge the old Plan, and put the whole in a proper posture of defence, at present it is too scanty to contain a sufficient number of men that may be wanting in time of action to manage the Artillery.

In the year 1742, The Assembly in consequence of his Majesties Instruction laid before them, made a Grant of £250 Proclamation money payable out of the Excise, in failure of that to be made good out of any other money in the Treasury, and in the £25,000 Loan Act, it was stipulated That £250 more should be paid annually during the continuance of that act, and my administration, amounting in the whole to £500 Proclamation Money yearly, which is a small Revenue to support the dignity of the Kings Commission, when regularly paid. As soon as the Loan Act expired, it was the duty of the Assembly then in being, to have provided a sufficient Fund for that part of my Salary payable out of the Interest arising from the £25,000. Instead thereof the late Assembly only made a partial grant of four thousand Pounds old Tenor, and it may be something more, but I esteemed that grant by no means Equivalent to what was then justly due.

In consideration of the constant Depreciation of the paper money and the unprovided state of the Treasury for paying the whole Sallary regularly, the province will be in arrears to me the 12th of December Next four years sallary due on the Excise.

When you take under consideration that the grant made for my support was only paying a due obedience to his Majesties Commands who never suffers his servants stipends to be diminished, but they may be Increased, I must not doubt but that this House will make ample satisfaction for the Inconveniences I have been under, and in the present Expensive time, I should think a Spirit to enlarge the sum rather than to diminish it would prevail. I do not ask this as a favour, but claim it in virtue of your own act, which his Majesty has given his assent to, so that finally neither myself nor the Assembly will judge whether the £500 a year is to be made good in Proclamation money or not.

Gentlemen of the Council
and of the Assembly.

It will give me great pleasure in the course of this Session to see the public business attended to, and a perfect harmony subsisting between the respective powers of Government. And when, Gentlemen called to serve their King and country disdain Faction, and are influenced by nobler and more virtuous Principles, your Senators will be wise and citizens good.

B. Wentworth.

Council Chamber in
Portsmouth, November 30th 1758.

[p. 442.] Voted That the severall Committees for the severall Expeditions against Crown Point Immediately prepare Acct^s of the Provisions & Warlike stores supplyed by this Province for his Majesty's service in a proper manner to be Transmitted to the agent to be by him laid before his Majesty in Council, with the Humble Address of the General Assembly, praying for allowance & payment thereof.

Sent up by Mr. Parker. [Concurred by the Council.]

[P. 443.] His Excellencys speech was read this forenoon & Debated in the house paragraph by paragraph.

Adjourned till 3 o'clock

P. M.

His Excellencys speech again read in part & sundry pros & cons thereon.

[P. 444.] Voted That the Honble Henry Sherburne Esq. Jona. Lovewell, Clement March Esq. & Capt. Thomas W^{k} Waldron be a Committee of this house to prepare an *an* answer to his Excellency's speech read this day at Council Board by Mr. Sec^{y} Atkinson & lay the same before the Genl Assembly, Immediately. This vote pass^{d} late in ye forenoon.

Voted, Nemine contradicente That the votes & Journals of this Assembly be printed, & That two copys thereof be deliverd to each member thereof, one of which to be lodged in the Clerk's office of the Town, parish or District he Represents &c.

Adjourned.

[P. 450.] Fryday Decem^{r} 1st 1758.

Voted That the Treasurer Immediately lay before the Genl Assembly an acc^{t} of the men's names to whom he has paid a months pay in consequence of a vote passed this house the 26th Sept. last & of whose Company, in order that the same may be stopt in the Rolls, & further that the Treasurer lay before ye Genl Assembly an acc^{t} of all the moneys paid by him for the Expedition 1758 & to whom. Sent up by Thom^{s} Bell, Esq. [Concurred.]

[P. 451.] Voted, That Each Capt. in the late Expedition shall be allowed half a months pay for time & expence while making up his Roll, that each soldier after his discharge at Albany be allowed fourteen days travel home, that the Dead and now sick be made up in like manner, that there be a collume in the Rolls for stopages for sundrys supply'd the soldiers by the Capt. & sutlers &c. for wch the Capt. now stands accountable.

Voted That Capt. Jno Wentworth, Capt. Thomas W^{k} Waldron, Clement March & Matthew Thornton, Esqs. be a Committee to wait on the Govr. * * * and inform him the house think it would be a saving to the Governm^{t} that the General Assembly should be adjourned for a short time.

Adjourned.

Saturday Decr 2^{d} 1758.

[P. 452.] Mr. Sec^{y} came down & informed the house that his Excellency, in consequence of the house's message to him of yes-

terday had ordered him to adjourn the General Assembly to Tuesday the 19th Inst. 10 o'clock before noon, & accordingly in his Majestys name adjourned the same.(a)

[Votes &c. passed by the House & concurred by the Council.]

(a) Jour. C. & Assem. Nov. 30th to Dec. 2d.

£9000 sterling to be Imprin ed & signed & put into the Treasury.

A Committee to report what repairs &c. are necessary for fort Wm. & Mary.

A Committee to tell & examine &c. money to be burnt.

A Committee to examine the Treasurers Accts.

Tuesday Decr 19th 1758.

Met [and adjourned from time to time, till]

Fryday Decemr 29th, 1758, P. M.

[P. 454.] The Committee to prepare an answer to his Excelly's speech of the 30th Ultimo, which was read and is as follows:

May it please your Excellency—

Wee the Representatives of his Majesty's most dutifull and Loyall subjects of the Province of New Hampr in Genl Assembly convened, having under consideration your Excellency's speech of ye 30th past, do with the greatest pleasure and gratitude take notice of your Excellencys congratulations on the success of his Majesty's arms both in Europe & North America;—the Reduction of Louisbourg with its dependencies, ye destruction of many of our enemy's ships there, the demolition of Fort Frontenac & destroying the Enemies navigation on Lake Ontario are events so truly glorious to his Majesty, of such high Importance to the British nation in General & these Colonies in particular as call for our highest gratitude and praise to the Supreme Governour of the world who has so manifestly appeared for us therein, & for our most gratefull acknowledgmts to the best of Kings for the wisdom of his councills & his paternall care of his subjects.

His Majestys determination to attempt the reduction of Canady the next Campaign & (since it hath pleased him to recal Major Genl Abercromby) his appointing a Genlle of such approved courage & conduct to command all his Forces in North America being fresh instances of his affectionate Regard, give us the most exalted pleasure, inspire us with renewed zeal for his service & the most ardent prayers for his Temporal & Eternal happiness.

Wee cannot conclude this subject without congratulating yr Excellency on the further display of Divine Providence in granting such remarkable success to his Majesty's arms on the river Ohio, & giving possession of that vast and valuable country with so little blood shed, thereby reducing the Indians on that River to his subjection & protection, opening a way for an (almost) unlimited Trade with the Western Tribes and Intirely destroying the grand & Darling scheme of the French—this appears so eminently to be of God, that there is no room for flesh to glory.

When the Muster Rolls for Colo Hart's Regimt are laid before us (which we desire may be Immediately) wee shall proceed with all possible dis-

patch to their Examination & allowance, provision being already made on our part for the paym^{t} thereof.

If your Excellency had been pleased to have pointed out the deficiency in the severall Laws that have been made *on ye* compleating the £15000 Loan it might have made the matter Easy to us, but as it will give us pleasure to have that Loan finished, wee will take a view of the several [P. 455.] Laws Relative thereto & make such addition as may appear needful, at the same time shall have in view the Law your Excellency recommends for obliging those who had money from the Treasury for paym^{t} of Bounty or otherwise, to account therefor (tho' we think the Laws already in Force are sufficient to answer that End) being fully of opinion that as regular & Reasonable Acc^{ts} should be rendered of publick as private money, & this appears to be the opinion of the late Assembly by many of their votes.

That very large sums of money have been put into the Treasury in the four years past (& not yet accounted for) most of the members of this Assembly are sensible; but as your Excellency has the Keys of the Treasury and no money can be paid out without your warrant, wee would hope that there has been no misapplication of any. Wee are also sensible that large sums must have been paid out but how large & to whom it is impossible for any of us to tell, till we see the Treasury acc^{ts}, or properly to settle one acc^{t}, till those are laid before us, the several Comittees acc^{ts} indeed depend upon the Treasurer's which must tell what sums have been paid to them, but wee cannot see any dependance the Treas^{rs} accts can have upon the Committees, Wherefore we pray your Excell^{y} will be pleased to order the Treasury acc^{ts} tobe laid before us as soon as possible, for untill they are exhibited wee must be Ignorant who to call upon for any money paid out.

If your Excell^{y} had thought proper to have forwarded the Address to his Majesty, it would have been very agreeable to us as we think Mr. Thomlinson might have been preparing the way for its reception to the Throne & the acc^{ts} wch cannot be fully prepared til the Treasury acc^{ts} are before us, might be forwarded by the first conveyance, but as it is still here wee shall willingly make any alterations therein that may make it more agreeable or more serviceable.

The granting a Salary to the Honble Chief & other Justices of his Majesty's Sup^{r} Court & a Grant for Fort William & Mary are under the consideration of the house, & wee hope our resolutions thereon will not be disagreeable to your Excellency.

Your Excellency's salary of £250 proclamation money by Law is to be paid out of the Excise or any other money in the Treasury by your Excellencys Warrant with the advice of Council & as wee conceive the money has always been ready there, it grieves us much when your Excellency tells us the province is in arears to you four years salary, when it was in your power to draft it from the fund by Law appropriated therefor whenever you pleased.

The grant made to your Excell^{y} out of the act of y^{e} £25,000 Loan, wee find terminated (in the opinion of the last Assembly) with the Act itself yet they granted for your Excelly's more honourable and ample support what they thought a handsome sum to show their willingness to maintain the honour of the King's Commission: Wee shall take this matter under immediate consideration & do what may appear to be Honourable & Just, [P. 456.] & wee hope it will be ye constant disposition of this house to do every thing consistant with the true Interest of our constituants to render your Excellency's situation pleasant & happy & the burthen of Govern^{mt} light and easy.

Wee thank your Excellency for Recommending attention to Business & Harmony between the respective Powers of Govern^{mt} wch wee most earnestly desire & beg leave to assure you, that if ye most Rational Endeav-

ours after one, & the closest attention to the other may prove successful your Excellency shall not want the greatest pleasure which generous minds Influenced by virtuous principles are capable of promoting in this sphere.

Province of New Hamp^{r} } In the House of Representatives, Dec. 29th 1758.

Voted unanimously that the preceding Answer be sent to his Excellency's speech of the 30th ultimo.

Peter Gilman, Speaker pro tempore.

Adjourned.

[p. 457.] Monday Jany 1st 1759. p. m.

Nothing being laid before the House by his Excellency—Adjourned.

Wednesday Jany 3^{d} 1759, p. m.

Joseph Smith Esq. sent to Council Board to inform that Mr. Thomas Wiggen who was returned as a member for Stratham, being in the house But not qualified.

A Mess^{a} from the Council for Mr. Wiggen to attend.

Mr. Sec^{y} came down & Informed that Mr. Thomas Wiggen returned as member for Stratham had taken the oaths appointed to be taken &c. & was a Qualified member.

The house took under consideration his Excell^{ys} Salary this afternoon.

[p. 458.] The Question being put round, Whether the £250 proclamation money granted to his Excellency, by the Loan Act out of the Interest terminated with the Act itself, & it past in the affirmative by a great majority.

Whereas the vote of the Council & Assembly of ye 25th of May 1758, for granting unto his Excellency the sum of Eight hundred & Twenty Eight pounds two shillings & six pence New Tenor for his more Honble & ample Support was not assented to by his Excellency the Governor, and whereas upon consideration of said vote it appears that the said sum was not sufficient for his Excellency's Honble support, therefore

Voted That there be allowed & paid unto his Excellency Benning Wentworth Esq. Governor & Commander-in chief in & over the province of New Hampshire out of the money in the Treasury the sum of three thousand Five hundred and fifteen pounds Twelve shillings & six pence new Tenor (for his more Honble & ample support) in full from the 12th Day of Decr 1755 to the 12th day of Decr 1758, & that his Excellency draw the same out of the Treasury by his warrant by and with the advice of his Majesty's Council.

☞ The vote of the 25th May, 1758, was withdrawn and is on file, and this sent up in the room.

Sent up by Messrs Giddings, Knight & Stevens. [Concurred by the Council.]

Whereas the Difficulties his Majesty's subjects of this Province Labour under in being obliged to come from all parts thereof to attend on the Several Courts at Portsm^{o} are very great, from which they would be much relieved if the Province was divided into Counties,

Resolved, That this Province be divided into Counties in such way and manner as may be agreed on by the Genl Assembly and when that is done that suitable salaries be allowed and granted to the Honble chief and other Justices of his Majesty's Sup^{r} Court & y^{t} Col^{o} Peter Gilman Esq. & Capt. Th^{o} W^{k} Waldron be a Comittee of this house to joyn with such as may be appointed by ye Honble Council to consult together on this matter & make report to the Genl Assembly as soon as may be how many Counties it may be profitable to Divide ye Province into & in what manner it will be best to have it Divided. Sent up by Messrs Seavey & Chamberlain.

Adjourned till tomorrow 9 o'clock, A. M.

Thursday Jany 4th 1759.

Met according to adjournm^{t}.

[p. 459.] Voted That each member of his Majesty's Council be allowed & paid out of money that is or shall be in the Treasury, the sum of twenty-two shillings new Tenor for every day of their attendance in Genl Assembly, from the 14th day of Novr 1758 untill the Dissolution of the present Assembly & also one shilling pr mile for Travelling to & from the place of the sitting of the Genl Assembly every time the Genl Assembly is adjourned or prorogued from Saturday till Monday or for any longer time during the said Term, the same to be paid by the Treasurer upon certificate from the Sec^{y}.

Also that each member of the present house of representatives be allowed & paid out of money that is or shall be in the Treasury the sum of Twenty shillings new Tenor for every day of their attend^{g} in General Assembly from the 14th day of Novr 1758, untill the Dissolution of the present Genl Assembly. Also one shilling new Tenor pr mile for Travelling to & from the place of the sitting of the Genl Assembly every time ye Genl Assembly has been or shall be adjourned or prorogued from Saturday to Monday or for a longer time, Except such as live more than Twenty miles Distant from the place where the Genl Assembly sitts, who are not to be allowed Travelling unless when the Genl Assembly has been or shall be adjourned or prorogued for a longer time than from Saturday to Monday, but when the adjournm^{t} prorogations hath been or shall be from Saturday to Monday, instead of Travell to be

allowed one Day's pay, & that the said members be paid by the Treasurer upon a Certificate from the Clerk of the house of representatives.

And that the Clerk of the present House of Representatives be allowed & paid out of money in the Treasury the sum of Twenty shillings pr Day for each day of his attendance in Gen[l] Assembly in that capacity (Exclusive of his wages as a member of the house of Representatives) to be paid him by the Treasurer upon a Certificate from the Clerk of the house of Representatives.

H. Sherburne, Speaker.

Sent up by Mr. Morrell. [Concurred.]

Adjourned.

Tuesday, Jan[y] 9th 1759, P. M.

[p. 463.] Whereas the Printed Laws are so few that each Town in said Province cannot be accommodated therewith, therefore

Voted That the same be printed & also that all the public Laws in manuscript now in force in said Province be printed & the whole bound together, one book to be Deliver'd to each member of his Majesty's Council, one to each of the members of the present House of Representatives, one Book for each Town, parish or District to be lodged with the Clerk thereof, & one for each Clerk of the Courts, at the Province charge, & that Jon[a] Lovewell Esq. be a Committee of this house to joyn with such as may be appointed by the Hon[ble] Council to get the same down Imediately.

Sent up by Capt. Henderson. [Concurred.]

Adjourned.

Tuesday, Jan[y] 16th 1759.

Jon[a] Lovewell Esq. sent to Council Board to inform there was a member in the house Returned to serve for Chester that was not quallifyed.

Soon after Mr. Sec[y] came down & Informed the house that Capt. Abel Morse Returned to serve as a member in this house was quallified & had taken the usual oath, &c.

[p. 478.] Jan[y] 24th 1759.

Province of }
New Hamp[r] } We a Committee appointed by both Houses to consider whether the Division of this Province into Counties be adviseable, & if so in what manner,

Do Report, & say, that the Division of the Province is adviseable & that into three Counties, But not agreeing as to the manner, therefore humbly submit the same.

Pr Sampson Sheaffe, Chairman.

Thursday Jany 25th 1759.

[P. 479.] The Report of the Committee for dividing the Province into three Counties being again read,

Voted, That the same be accepted, & that the Honble Henry Sherburne Esq, Clem^{t} March, Jon^{a} Lovewell, Matthew Thornton Esq. Capt. Thom^{s} W^{k} Waldron, Mr. Zebulon Gidding, & Deacon Jn^{a} Tuck be a Committee of this House to joyn with such as may be appointed by the Honble Council, to consult & make Report to the Genl Assembly as soon as may be, where it would be Best for the Division Lines to Run, for their approbation. Sent up by Capt. Henderson.

[P. 482.] Wednesday, Jany 31, 1759.

The Honble Joseph Newmarch Esq. Brot down the Committee^{s} of War acc^{ts} for the year 1755. Having been examined by the Committee appointed for that purpose, with their Report thereon, viz.

We being a Committee appointed to Examine the acc^{ts} of the Committee to purchase Stores &c. Anno 1755, for the Crown Point Expedition, do find everything properly vouched, cast & Stand fair.

Saml Smith, chairman.

Portsm^{o} Jany 31st, 1759.

Whereas some difficulty may arise to the Treasury in making change to pay of the muster Rolls of this year, Therefore

Voted, That he be & hereby is Impowered to use of the Crown Point Bills Rec^{d} pr Bills of Exch^{a} for that purpose & at the Rate the sterl^{g} Bills were sold. Sent up by Capt. Nason. (a) [Concurred.]

[Votes Bills &c. passed by the House & concurred by the Council.]

(a) Journ. C. & Assm. Jany 5th to Jany 31st, 1759. Petition of James Cochran relative to land in the town of Bow.

Petition of James Keilly relative to a bill of cost, &c.

Petition of John Clark, in behalf of Thos Campbell, relative to a judgment of the Inferior court, &c.

Petition of Patrick Markham for money in lieu of money burnt.

Daniel Pierce Esq. appointed recorder of Deeds, &c. 1759.

Muster Rolls, allowed, of Companys in Coll. Hart's Regiment for the last Summers campaign, viz.

			(Sterling.)
Of Capt. Nehemiah Lovewell's Comp^{a}	for	95 men,	£1035 : 9 : 11¾
Capt. Trueworthy Ladds, Comp^{a}	for	101 men,	1051 : 17 : 1¾
Capt. John Hazzan's Comp^{a}		74 Do.	828 : 4 : 2½
Capt. John Sweats Comp^{a}		66 Do.	802 : 18 : 6⅞
Capt. Thos Tash Do.		100 Do.	1092 : 9 : 8⅞

Capt. Alexander Todd's Comp^{a}	63 Do.	696 : 1 : 3⅛
Staff Roll of Coll. Harts Regim^{t} for last Summers Campaign,		573 : 17 : 1
Capt. Thomas Pickerings, Roll,	108 men	1178 : 10 : 2½
Capt. Sumerby's Roll	114 men	1227 : 4 : 2⅜

Acct. of Com^{tee} for impressing the £9000 sterling Bills.

Tho. Atkinson, to settle Billeting acc^{ts}.

Mr. Sec^{y} came down & Informed the house that his Excell^{y} had adjourned the house to Tuesday the 13th Day of Feby next & said accordingly, In his Majestys name they were adjourned.

Address to his Majesty.

[Copied from MS. Addresses to the King, p. 105.]

To the King's Most Excellent Majesty in Council.

The humble Petition of the Governor, Council and Assembly of your Majesty's Province of New Hampshire, in New England, in General Assembly convened.

Most Gracious Sovereign,

We, your Majesty's most dutifull and Loyal subjects, beg leave to congratulate your Majesty on the repeated success of your Majesty's arms on the Continent of Europe, and more particularly on the conquests made in your Majesty's American Dominions. May your Majesty's Fleets & armys, and those of your allies continue to be victorious, and under the direction of an unerring Providence, until the Honor & dignity of your Majesty's Crown and Kingdoms are fully vindicated, your undoubted and Just Rights to your Majesty's American Dominions ascertained and established by a Peace lasting and Honorable.

With hearts overflowing with gratitude, we must acknowledge, that our present safety must be ascribed to your Majesty's care & Paternal regard for the prosperity & welfare of your American Dominions.

In obedience to your Majesty's Commands repeatedly communicated to the Council & Assembly by the Governor, we have exerted ourselves even beyond our ability in the grants of men made to serve in the respective Campaigns, since the commencement of the wars, under the Generals appointed by your Majesty, and to act in conjunction with the British Troops, and the Troops raised by the other New England Governments.

The aid demanded from the Military force of this Province, for your Majesty's service, was the sole object of our attention, therefore regardless of all proportions stipulated with the other New England Governments, we have afforded our utmost assistance, whereby one third part of the military effectives, Battoe-men & Rangers included, have been annually in actual service.

The bounty paid in Inlisting for clothing and paying the Troops that have been Employed already in your Majesty's service, has so much Increased the Provincial Taxes, that the burthen on the Inhabitants is Insupportable. In 1755 the Government raised, paid & subsisted a regiment of five hundred men. With regard to the subsistance, we have humble confidence in your Majesty's goodness that we shall be put on Equall advantage with your Majesty's other Governments.

General Amherst having demanded from your Majesty's Governor the

same number of Troops from this Government as were granted the last year, to be employed in the opperations of the ensuing Campaign, we shall, with the greatest chearfulness, make the necessary grants, that no prejudice may arise to your Majesty's service, through our neglect of duty & obedience, humbly relying that your Majesty will be graciously pleased to relieve us under our present distressed situation, as in your Majesty's great wisdom shall be most convenient, and your humble Petitioners as in duty bound shall ever pray.

Province of New Hampshire } At a Council Convened to sit in General Assembly, January the

—— 1759.

Present

His Excellency BENNING WENTWORTH, Esq.

Of his Majesty's Council,

Th. Atkinson, Esq.

The foregoing Petition to his most Sacred Majesty in Council, having been read at the Council Board

Resolved, Unanimously that the same be presented to his Majesty by John Thomlinson Esq. agent for the Province.

Sent down for concurrence.

NOTE.—It does not appear from the Records, that the House took action on the above, or that it was even sent.—ED.

Tuesday, Feby. 13, 1759.

This being the Day the General Assembly of this Province stood adjourned too, No member being come in, as twas advertised In the New Hampr Gazzette dated Feby 9, No. 123, that it would be further adjourned.

[P. 484.] [Adjourned to Tuesday 27th Inst. 10 o'clock, A. M. and again adjourned till]

Wednesday, Feby 28th 1759.

Mr. Secy Brot Down his Excellencys Message to Both houses of this Day which was read, which is on file.

Governor's Message.

[Copied from MS. Govrs Messages, Vol. III, p. 85.]

Gentlemen of the Council
& of the Assembly

The Importance of this message is so interesting to the Northern Colonys and this Government in particular, that I think it necessary to address it to both Houses, that you may the better unite in sentiments, and the sooner agree upon measures, at this critical and decisive crisis, more speedily to carry the Kings Commands into execution.

His Majesty has been pleased to signify to me by one of his Principal Secretaries of State, that he has nothing so much at heart, as to improve

the great advantages gained the last year, as well as to repair the disappointment at Ticonderoga, and by the blessing of God on his arms to avert all dangers that may threaten North America from any future Irruptions of the French, and the King not doubting but that all his faithfull subjects here, will with the greatest chearfulness cooperate with and second to the utmost, the large expence and extraordinary succours supplied by our mother Kingdom for our preservation & defence, has commanded me to use my utmost diligence, to raise the same number of troops out of the Military force under my command, as last year, and even as many more as the number of Inhabitants will afford, to act in conjunction with his Majesty's regular troops & the troops of the other Governments by the way of Crown Point, for invading Canada, and under the command of General Amherst(1).

The forces raised by this Governm^t are to be supplied out of the King's stores as in the last campaign, all that is expected from us, is Levying cloathing & paying the men, and on that head the King has been generously pleased to permit me to assure you that strong recommendations will be made to Parliament in their sessions next year, to grant a proper compensation for such Expences to the Colonys, according as the active zeal & strenuous efforts of the respective Provinces shall justly appear to merritt.

I am sensible in making the grant of men you are required to do for this service, many difficultys will arise, but they must not be insuperable on this Great occasion, and as General Amherst writes me in pressing terms, that as he intends to open the campaign very early he desires that our troops may be at Albany by the 10th of April, I am therefore hopeing you will loose no time in making a proper grant for this service, & do every other requisite to enable me to raise the men granted, with the utmost expedition.

B. Wentworth.

Council Chamber in
Portsmouth, Feby 28th 1759.

Voted That the following message be sent to his Excellency, viz.

May it please your Excellency

The House haveing your Excellency's Mess^a before us, Pray you'l please to order the Sec^y to lay ye Sec^ys of State & General Amherst Letters before us as we may thereby be in a good measure Enabled to surmount the Difficulty your Excellency is pleased to mention & of which we are fully sensible.

Sent up by Col^o March & Danl Little, Esq.

P. M.

The Committee appointed to wait on his Excell^y in ye forenoon Reported that they had Deliverd the Mess^a from the House, that his Excellency answered that the house Desired very unreasonable things of him; as to Sec^y Pitts letter it contained such things as [p. 485.] he could not communicate to any body, but that if the house wanted any particular paragraphs out of it they might have

(1) Major General Amherst succeeded General Abercrombie, in the command of the army in North America, 1759. On the 21st July, that year, his army is said to have consisted of 5743 regulars, 111 royal artillery, and 5279 provincials: total, 11,133.—Ed.

it, that he had sent Gen[l] Amhersts Letter, which the Committee Deliverd to the Speaker. A copy of which is on file.

General Amherst's Letter being read—

Voted, That his Excellency the Governour be desired to order Mr. Sec[y] Pitts Letter or at least all such Paragraphs thereof as relate to the matters Recommended in his Excellencys message of this day before the Gen[l] Assembly, that they may be Enabled to understand & with chearfullness conform to what is contained therein & the more speadily dispatch the important matters Recommended. Sent up by Col. Smith.

Mr. Secretary Pitt's Letter.

[Found entire and copied from "Belknap Papers," p. 293.]

Whitehall 9th Dec[r] 1758.

Sir—

His Majesty having nothing so much at heart as to improve the great and important advantages gained the last Campaign, as well as to repair the Disappointment at Ticonderoga, & by the most vigorous & extensive efforts to avert, by the Blessing of God on his arms, all dangers, which may threaten North America, from any future irruptions of the French; and the King not doubting, that all his faithfull and Brave subjects there, will chearfully co-operate with and second to the utmost the large Expence & entraordinary succours supplied by this Kingdom, for their Preservation and defence, and his Majesty considering that the several Provinces in particular from Proximity & accessibility of situation more immediately obnoxious to the main Irruptions of the Enemy from Canada, are, of themselves, well able to furnish, at least Twenty Thousand men, to join a Body of the King's Forces for invading Canada by the way of Crown Point, & carrying War into the Heart of the Enemy's Possessions, and his Majesty not judging it expedient to limit the Zeal and ardour of any of his Provinces, by making a Repartition of the Force to be raised by each, respectively for this most important service, I am commanded to signify to you the King's Pleasure, that you do forthwith use your utmost endeavours & Influence, with the Council & Assembly of your Province, to induce them to raise, with all possible dispatch, within your Government, at least as large a Body of men as they did for the last Campaign, and even as many more, as the Number of its Inhabitants may allow; and, forming the same into Regiments as far as shall be found convenient, that you do direct them to hold themselves in readiness, as early as may be, to March to the Rendezvous at Albany, or such other Place, as his Majesty's Commander in chief in America shall appoint, in order to proceed from thence in conjunction with a Body of the King's Brittish forces & under the supreme command of his Majesty's said Commander in chief in America, so as to be in a situation to begin the operations of the Campaign by the first of May, if possible, or as soon after, as shall be any way practicable, by attempting to make an Irruption into Canada, as above, by the way of Crown Point, and, if found practicable, to attack either Montreal or Quebec, or both of the said Places, successively, with the whole Force in one Body, or at one and the same time, by a Division of the Troops into separate and distinct operations, according as his Majesty's Commander in chief shall, from his knowledge of the Countries, through which the War is to be carried, and from emergent circumstances not be known here, judge any of the said attempts to be practicable; and, the better to facilitate this important service, the King is pleased to leave it to you, to issue Commissions to such Gentlemen of your Province as you shall judge from their weight & Credit with the People & their zeal for

the publick service, may be best disposed and able to quicken and effectuate the speedy levying of the greatest Number of Men; In the disposition of which Commissions, I am persuaded, you will have nothing in view but the good of the King's service and a due subordination of the whole, when joined, to his Majesty's Commander in chief; and all officers of the Provincial Forces, as high as Colonels inclusive, are to have Rank according to their several respective Commissions, agreeable to the Regulations contained in his Majesty's Warrant of the 30th of December last year.

The King is further pleased to furnish all the men so raised as above, with arms, ammunition & Tents, as well as to order provisions to be issued to the same, by his Majesty's Commissaries in the same proportion and manner, as is done to the Rest of the King's Forces; a sufficient Train of Artillery will also be provided at his Majesty's Expence for the operations of the Campaign; and the ship that conveys this, carries orders for the timely providing, at the King's charge, with the utmost diligence and in an ample manner, Boats & Vessells, necessary for the Transportation of the army on this Expedition. The whole therefore that his Majesty expects and requires, from the several Provinces, is, the Levying, Cloathing & Pay of the men; and, on these Heads also, that no Encouragement may be wanting to this great and salutary attempt, the King is further most graciously pleased to permit me to acquaint you, that strong recommendations will be made to Parliament in their Session next year, to grant a proper compensation for such Expences as above, according as the active vigour & strenuous efforts of the respective Provinces shall justly appear to merit.

It is his Majesty's Pleasure, that you do, with particular diligence, immediately collect, and put into the best condition all the arms issued last Campaign, which can be any ways rendered serviceable, or that can be found within your Government, in order that the same may be Employed, as far as they will go, in this exigency. I am at the same time to acquaint you, that a seasonable supply of arms will be sent from England, to replace such, as may have been lost, or have become unfit for future service.

I am further to inform you, that similar orders are sent, by this conveyance to Massachusetts Bay, Connecticut, Rhode Island, New York, & New Jersey; The Southern Governments are also directed to raise men in the same manner, to be employed in such offensive operations, as the circumstances & situation of the Enemy's Posts, in those Parts, may point out, which, it is hoped, will oblige them so to divide their attention and forces, as will render the several attempts more easy and successful.

It is unnecessary to add anything to animate your Zeal in the execution of his Majesty's orders on this great occasion, where the future safety and welfare of America & of your own Province in particular, are at stake, & the King doubts not, from your known fidelity and attachments, that you will Employ yourself, with the utmost application & dispatch in this urgent & decisive crisis.

Altho' the knowledge of an intention to invade Canada is apprehended, not only to be unattended with any inconvenience, but necessary to be propagated in the Provinces, in order to give success to the Levies, yet, as secrecy in all enterprises, on particular places, is of the greatest importance, The King is persuaded that you will use all proper Discretion, in communicating, by name, any of the immediate objects before pointed out, further, than to such persons, to whom it may be necessary, for the good of the service, confidentially to entrust the same.

I am, sir, your most obedient
Humble Servant,
W. Pitt.

Governor of New Hampshire.

Letter from Gen. Amherst to Gov. B. Wentworth.

[Copied from MS. Corr. Vol. III, p. 149.]

New York, 16 Feb. 1759.

SIR—

I Yesterday had the Hon^r of Receiving a Letter from Mr. Sec^y Pitt bearing date the 9th of Decr last, signifying to me that his Majesty had judged it expedient to dispatch his orders to the several Governors in North America, for levying the same, or a greater number, if possible, of men than they did for the last Campaign; & at the same time enclosed to me the copies of his Circular Letters to the Northern & Southern Governors on that subject, wherein the King's Directions are so fully stated, that I can have little else to add, than my most earnest Recommendations to you forthwith to use your utmost Endeavours & Influence with the Council & Ass^m of y^r Prov^e to induce them to raise, with all Possible Dispatch, within your Gov^t, at least as large a body of men, as they did for the last Campaign, & even as many more as the number of its Inhabitants may allow: In which I should hope you will prove the more successfull as I have already prepared you for it so long ago as by my letter of the 13th Dec. last, and that agreeable to your Desire, the services for which these Troops are required, are pointed out in Mr. Pitt's letter, the knowledge of which you mentioned would give great success to the Levies, at the same time, I must not omit cautioning you, that as secrecy in all Enterprizes on particular places is of the greatest Importance, you will use all proper Discretion in communicating by name, any of the Immediate objects pointed out by Mr. Pitt, further than to such persons to whom it may be necessary for the good of the service confidentially to entrust the same.

As I propose to begin the operations of the ensuing Campaign so soon as the season will permit me, & if possible much earlier than the first of May, I must, notwithstanding Mr. Pitt's letter desire that the Troops of your Province may be at Albany by the tenth of April at farthest.

I must likewise particularly recommend to you the strict & immediate observance of his Majesty's directions relative to the collecting & putting into the best condition all the arms issued last Campaign & that have not been returned, which can be any way rendered serviceable or that can be found within your Gov^t in order that the same may be employed as far as they will go, in this Exigency.

And as most people in North America have arms of their own, which from their being accustomed to, & being so much lighter than the Tower arms must be more agreeable & Proper for them, I do as an Encouragement for their coming provided with them, engage to pay for every one of those they shall so bring, & and that may be spoiled or lost in actual service, at the rate of 25*s* a fire lock, which I understand was allowed last Campaign.

I am, with great regard, Sir, your
most obedient, humble servant,

JEFF. AMHERST.

His Excellency,
Govr Wentworth.

Feb. 28, 1759. A true copy from the Original.
Att. Andrew Clarkson, Clerk.

Thursday, March 1st 1759.

Voted, That the Honble Henry Sherburne, Esq. Col^o Peter Gilman Esq. Capt. Thom^s W^k Waldron & Mr. Zebulon Giddinge be

a Committee of this House to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excelly^{s} Mess^{a} to both Houses of yesterday & the sundry papers [p. 486.] therein Refer'd to & make immediate Report to the Genl Assembly what may be proper for this Province to do thereon at such a critical crisis.

Sent up by Messrs Little, Tuck, Moulton & Morrell. [Concurred & a Committee appointed.]

P. M.

The Committee appointed this day to consider of the subject matter of his Excell^{ys} Mess^{a} of yesterday & the sending papers therein Referr'd to & make Report immediately, laid the same before the house this afternoon, which was read & ordered to lay till the morning.

Adjourned till 9 o'clock tomorrow morning.

Fryday, March 2^{d} 1759.

The Report of the Committee of last evening being again read—which is as follows, viz.

Province of New Hamp^{r} } March 1st 1759.

The Committee of both houses appointed this day to consider of & Report upon the subject matter of his Excellencys Mess^{a} to both houses of yesterday's Date, What May be proper for this Province to do thereon, &c. Having had his Excelly^{s} Mess^{a} & Extracts out of the letter from Mr. Sec^{y} Pitt & Genl Amherst's Letter referred to therein before us,

Do Report.

[p. 487.] That we think it advisable for this Government Immediately to comply with his Majesty's Request & grant such Bounty Gratuitys & Rewards as may be sufficient to induce one thousand effective men to Enlist into the service the ensuing Campaign & that if by Reason of the great number of Rangers, Battoe men, Carpenters &c. belonging to this Province & now actually engaged in his Majesties service or any other reason that number should not Enlist in season, that his Excellency be desired to cause the number of Eight hundred men to be drafted out of the several Regiments of militia in this Province, or such a number as will with such as shall voluntary Enlist including the officers make up the said number of eight hundred effective men & that there be given to each private man on his Inlisting Twenty two shillings & six pence sterling & after his passing muster & Before he marches off, a further Bounty of Thirty seven shillings & six pence sterl^{g} to purchase proper cloaths & also a good Blanket & that each private man shall have Thirty shillings sterl^{g} pr month & that over & above the above Bountys all such effective men that served in the pay of this Province the last campaign & shall voluntary Inlist in the ensuing, shall Receive fifty four shillings sterl^{g} as half pay for four months, that they shall not be Detained in the service longer than nine months, but shall be sooner discharged if the Expedition is sooner over, & that each man shall receive one months pay advance, and

that a sufficient sum of paper Bills on the Credit of this province of the Tenor of those emitted for the payment of the last Summer's Campaign be emitted to discharge the Expences of the ensuing Campaign, such Bills to be redeemable in three years.

By order of the Committee,

Theodore Atkinson.

Voted, That this Report be accepted & that a Bill be drawn up accordingly sent up for concurrence.

Signed Henry Sherburne, Speaker.

Sent up by Messrs Bell, Little & Morrell. [Concurred by Council.]

Tuesday, March 6th 1759, P. M.

[P. 489.] The Bill for Raising one thousand men for the intended Expedition, (this present year) against Canady having been read three times,

Voted, That it pass to be enacted. Sent up by Messrs Lovewell, Knight & Morse. [Concurred by Council & enacted.]

The Bill for levying one thousand men for the present year, & for Exempting the people called Quakers from Impress & Laying a fine on them &c. having been read a second time, Mr. Speaker adjourned till to-morrow morning 9 o'clock.

Wednesday, March 7th 1759.

Whereas it will be of great advantage to the forces to be Raised the present year within this province to be Transported to the place of Rendezvous by water, and Whereas there is neither silver or gold in our Treasury to Transport them by land,

Voted, That his Excellency the Governor be desired to write to Genl Amherst setting forth the advantages that may attend the Transporting the forces to be Raised in this Province to Albany by water, showing him our Inability to procure silver or gold to march them by land & praying him to give direction for procuring Transports & orders for the paym^t thereof & Billeting the men.

Sent up by Mr. Little. [Concurred.]

[P. 490.] P. M.

Whereas his Majesty's Loyal & dutifull subjects of this Province are reduced to such distressed circumstances by a long & expensive War & their exerting themselves so much beyond their abilities to comply with the Royall comands of his most gracious

Majesty & to show their gratitude for all his paternal care of them, as that they are necessitated to make use of the little sterl^{g} money they have left in the Stocks in Great Britain under the care of John Thomlinson, Esq. their agent to pay off the expences of the last years Campaign & carry on that part which they have so readily undertaken this year, & Whereas the selling out of the Stocks at this Juncture may be attended with great loss,

Voted and Resolved, That John Thomlinson Esq. Agent for this Province at the Court of Great Britain be desired & Impowered & he is hereby Impowered & Desired to dispose of the Interest wch this Province has in the Stocks on the most advantageous terms he can, & that in case he cannot dispose of them without loss to the Governm^{t}, he be & hereby is desired & Impowered to hire money on a moderate interest, if it may be done on the Credit of the Interest this Province has in s^{d} stocks, to pay off the Bills wch the government is under the necessity of drawing upon him to pay of the charge of the last Campaign & to carry on the part undertaken this year & that the Committee appointed to draw Bills on him forward Copies of this Resolve to him, write him what may be proper on the subject & desire him to forward the province acc^{t} as soon as may be. Sent up by Messrs Thornton & Henderson. [Concurred.]

Thursday March 8th, 1759.

[p. 491.] The Act for Rais^{g} 1000 men for this present year's Campaign not as yet assented to by his Excellency the Govr. Adjourned till 3 o'clock

P. M.

The Bill for the more speedy Levying one thousand or at least Eight hundred men Inclusive of officers to be Employed in his Majesty's service in the current year having been read three times,

Voted that it pass to be Enacted. Signed. P. Gilman, Speaker pro Tempore. Sent up by Mr. Wiggin. [Concurred by the Council.]

Adjourned.

Monday, March 12th 1759, p. m.

[p. 494.] Mr. Sec^{y} came down from Council Board & said he had given him in charge from his Excellency to acquaint the house, that he thought the act for raising one thousand men ought to go on & say—And for granting unto his most Excellent Majesty seventeen thousand Pounds Sterl^{g} for Raising & pay^{g} the s^{d} one Thousand men; & the act for the more speedy Levy^{g} the s^{d}

one Thousand men ought in the preamble to say, & for Exempting the people called Quakers from Impress, &c. & likewise Bro^{r} down copy of a Paragraph in a letter to his Excellency ye Govr from the Right Honble the Lords Commissioners for Trade & Plantations, dated White Hall Novr the 9th 1758, signed, &c. which is on file. Likewise his Minutes against the above acts which is on file. Likewise his Excellency's Mess^{a} of this Date to the house which is on file.

Governor's Message.

[Copied from MS. Gov^{rs} Mess^{a}, Vol. III, p. 91.]

Mr. Speaker and
Gentlemen of the Assembly.

It gives me great concern to observe in the act come up to me for raising one thousand men for his Majesty's service for an Expedition against the French settlements, that claims and reservations are therein made contrary to your constitution, and altho' the same were made by the late Assembly, it can by no means justify the proceedings of your house.

The two acts in which these encroachments began have in course been transmitted by me to the Lords of Trade and Plantations, and out of a tender regard to the people, I think it my duty to lay before you a Paragraph of their Lordships Letter to me thereon, which you will receive with this message, earnestly recommending it to your serious consideration, and from the methods proposed to remedy claims of so dangerous a nature for the future, which at this time may be very injurious to the Province, I cannot doubt that you will act consistantly and for the real Interest of the people you represent, by withdrawing such clauses in the act as militate with their Lordships sentiments, and are only vested in the Crown—and I am persuaded his Majesty's Council tho' the act is concurrèd, will not refuse to joyn with you in a concern so interesting to the government.

B. Wentworth.

Council Chamber
March 12th 1759.

[Paragraph referred to Copied from MS. Gov^{rs} Messages Vol. II, p. 501.]

Copy of a Paragraph in a letter to his Excellency the Governor from the Right Honble The Lords Commissioners for Trade and Plantations, dated Whitehall November the 9th 1758, signed

Dunk Hallifax
James Oswald
W. G. Hamilton
W. Sloper.

"The Executive Power of nominating to Civil & Military offices of "conducting military services, & passing accounts vested in the House of "Representatives by the Laws to which you refer, are certainly Improper "& unconstitutional, and operate to weaken & abridge the dependence "which the Colonies ought to be kept in to the Government of the "Mother country--This must however be left to the determination of "his Majesty & his Council, before whom we shall at a proper opportu-"nity lay the whole of this matter."

Tuesday, March 13th, 1759. P. M.

[P. 496.] Voted, That the following message be sent to his Excellency in answer to his Excellency's message of the 12th Instant.

May it please your Excellency

We have maturely considered your Excellys Messa of the 12th Inst. & are concerned to find by the Extract your Excelly is pleased to lay before us that any Representations have been made to the Lords of Trade to the disadvantage of this Governmt, at a time when we are laying ourselves under such extreme difficulties to Comply with the Royall Commands of our most Gracious Sovereign, & as the two Acts which have passed this house & the Honble Council are agreeable to the Practice of the Governmt a long time past & consequently to our Constitution, We dare not make the alterations proposed & earnestly pray your Excellency will be pleased to consent to them as they stand that no further time may be lost.

Sent up by Messrs Lovewell & Seavey, with the two acts.
Adjourned.

[P. 499.] Saturday, March 17th 1759.

Mr. Secy came down & said 'twas his Excellencys orders to him to adjourne the General Assembly to Tuesday the 10th Day of April next to 10 o'clock before noon & then to meet at this place, & In his Majesty's name said they were accordingly adjourned(a).

☞ No more Entries in this Book.

[Votes, Bills &c. passed by the House & concurred by the Council.]

(a) Jour C. & Assem. from March 1st to March 17, 1759, allowance to Wm. McAllaster for taking care of Richd Perry, a sick soldier, 31s.

Allowance to James March for his servant's time, and for Doctor's bill, £2 : 19 : 1½.

Comtees acct. for purchasing stores for Crown Point expedition 1755, allowed, £312 : 8 : 3.

Allowance to Jonas Clay, as armorer in Coll. Hart's Regt 1758, £2.

Acct of Comtee on Excise allowed, £15 : 16.

Allowance to Joseph Hall, for service as Ensign in Capt. Tash's Company £7 : 17.

Col. Clemt March, allowed for tending sick soldiers, £3 : 0 : 10⅓.

Paul Pressey, a wounded soldier, allowed £8.

Doct John Lamson, a captivated soldier, allowed £160, new Tenr.

Arthur Boyd, a captivated soldier, allowed £75, new Tenr.

Moses Grimes, a captivated soldier, allowed £75, new Tenr.

Josiah Bean, a captivated soldier, allowed £75, new Tenr.

Daniel Wentworth, a sick soldier, 1758, allowed 48s, sterling.

John Crombie of Derry, for carrying letters by Express, 40s. new Tenr.

Allowance to the widows of Elisha Williams & Daniel Wilkins for guns lost, &c. £1 : 7, each, & to Jno Wason and Wm. Clary for Blanket, lost £1 each, sterling.

Anno Regni Regis Georgii Secundi, Magnæ Brittaniæ, Franciæ, Hiberniæ &c.

A Journal of the House of Representatives at a General Assembly of his Majesty's Province of New Hampshire, in New England, begun and held at Portsmouth:

NOTE BY THE EDITOR.

The *Journal of the House*, which here follows is copied from a MS. volume in the Secretary's office, labeled "Journal of the House, 1759–1765." Evidently the first page of the Journal is missing. The General Assembly met, according to adjournment, April 10th, at 10 o'clock, A. M., and proceeded to business, as appears from the "Journal of the Council and Assembly," but there is no record of proceedings in the House, on the first forenoon of the meeting, April 10th.

The Editor therefore has copied from the Journal of the Council & Assembly, the business transacted, April 10th A. M., as follows:

At a Council & General Assembly holden at Portsmouth, according to adjournment on Tuesday the 10th of April 1759.

Present—His Excellency the Governour.

Theodore Atkinson	Esqs.	Daniel Warner	Esqs.
Richd Wibird		Joseph Newmarch	
Jno Downing		M. H. Wentworth	
Sampson Sheaffe		James Nevin	

His Excellency sent by the Secy a written Messa to the Speaker & House showing the necessity & recommending the Passing an act to Enforce the Inlisting the men & carrying the Present Expedition into Execution, &c.

Governor's Message.

[Copied from MS. Govrs Messa Vol. III, p. 97.]

Mr. Speaker and
Gentlemen of the Assembly.

It was not my Intention to have met you on this adjournment to do any business, but the present Expedition, in which we are so nearly interested, demands your aid in passing an Act to render more effectual the raising the men Intended to be Employed in the Expedition against Canada, in the passing of which I hope you will loose no time.

B. Wentworth.

Council Chamber in
Portsmouth, April 10th 1759.

Capt. Bell & 2 others members from the house bro't up a Bill, as passed in the House Entituled An Act in adition to & for rendring more effectual an Act Past in the Present Sessions the 9th of March last, (Entitled "An Act for the more speedy Levying 1000 or at least 800 men Inclusive of officers to be Employed in his Majesty's service in the Currt year."—which was read three times in Councill & Passed to be Enacted.

Adjourned till 3 o'clock P. M.

[Here begins the Journal of the House.]

[p. 2.] Voted, That it pass to be Enacted. H. S. Speaker.
Sent up by Messrs Bell & Little.
Mr. Speaker adjourned till 3 o'clock

P. M.

Voted, That the Treasurer send out his warrants for collecting the Province Tax for the curr^{t} year, which may be paid in Species, agreeable to the prices fixed & set to the following mercht^{bl} articles of the produce of this Province.

Bar Iron,	at £3 : 0 : 0	pr Hundred
Well dressed Hemp	1	pr Pound
Indian Corn	6	pr Bushell
Rye	6	pr do.
Peas	10	pr do.
Pork	0 : 7	pr. Pound.
Winter & Spring Cod fish	1 : 10 :	pr. Quintle
Flax	1	pr Pound
Winter Wheat	1 :	pr Bushel
Barley	10	pr Do
Beef	0 : 0 : 7½	Pr Pound
White Pine Joyst	4 :	pr Thousand
White Pine Boards	5 :	pr do.
White Oak two inch Plank	15 :	pr do.
Bees wax	3 : 6.	pr pound
Bayberry wax	2 : 6	pr do
Pitch	3 :	pr Barrel
Tar	2 :	pr do
Turpentine	3 :	pr do
Tanned sole leather	3 :	pr pound
Tallow	1	pr do.

Sent up by John Knight, Jun Esq. [Concurred by Council.]

Mr. Sec^{y} came down & Informed the house that his Excellency had assented to the Act which passed this forenoon.

[p. 3.] The Committee for Imprinting five Thousand pounds sterl^{g} part of seventeen thousand sterl^{g} to be emitted by act of Governm^{t} for this year's campaign presented their acc^{t} amounting to Eleven pounds six pence sterl^{g} which was read.

Voted, That it be allowed, &c. Sent up by Mr. Seavey. [Concurred.]

Voted, That the Committee procure such a number of Shoes & Hose as they shall think proper, to be sent to Albany to be delivered to the soldiers by a suitable person to be appointed for that purpose, keeping an acc^{t} thereof, & that they be furnished with money out of the Treasury to enable them to do the same. Sent up by John Knight, Jun. Esq.

Mr. Sec^{y} came down & Informed the house 'twas his Excellencys orders to him to adjourne the General Assembly of this Province to Tuesday the 24th Instant, 10 o'clock before noon & said accordingly In his Majestys name they were adjourned.

Tuesday, April 24th 1759, P. M.

[p. 4.] Voted, That the following Establishment of Sterling money for wages of the officers & soldiers Raised in the Province this year for the Intended Expedition to Canady, who are to be formed into one Regiment be pr month as followeth:

For one Colo of said men	pr	month,	£15:
One Lieut. Colo do	pr	do	12:10:
One Major	pr	do	10:
8 Captains, each	pr	do	6:
16 Lieuts. do	pr	do	3:15
8 Ensigns do	pr	do	2:12:6
1 Chaplain do	pr	do	6:
1 Adjutant	pr	do	3:
1 Chirurgeon	pr	do	7:10
1 Chirurgeon's mate	pr	do	6:10
32 Sergeants	pr	do	1:15
32 Corporals	pr	do	1:12
1 Armourer	pr	do	2:
1 Quarter master	pr	do	3:

Further Voted, That If the Chaplain be an ordained minister, his wages be seven pounds ten shillings pr month & that If Docr Hale who was out last Campaign in this Governmt service as Chirurgeon should go he be Intitled & Receive half pay from the time of his Discharge till his Entering again. Sent up by Danl Little Esq.

[p. 5.] Wednesday, April 25th 1759.

Mr. Secy Brot down his Excellency's Messa of this Date wch was read & is on file.

Governor's Message.

[Copied from MS. Govrs Messa Vol. III. p. 99.]

Mr. Speaker and
Gentlemen of the Assembly

It being of great Importance to his Majesty's service that the Regiment raised in this Government should move towards the place of Rendezvous without loss of time, I have for that reason given directions for adjourning the General Court some time to-day, & I must desire that all necessary provisions for the regiment that depends on you may be adjusted and provided before the adjournment, and that if there is not a sufficient sum of money for setting forward the regiment that you add an adequate sum may be issued for that particular service.

B. Wentworth.

Council Chamber
in Portsmouth, April 25th 1759.

Letter from Hon. Wm. Pitt, Secretary of State.

[Copied from MS. "Belknap Papers," p. 294.]

Whitehall, 29th Decr 1758.

Sir—

In transmitting to you the inclosed Duplicate of my letter of the 9th Instant, I have the King's particular Commands to renew & enforce, in the Strongest manner, the necessity of a punctual compliance with the orders therein contained, And you will accordingly urge, in the most expressive Terms to the Council & Assembly of your Province, the Importance of their exerting themselves in the present critical & decisive Moment, in which their own Interest & Security are so nearly concerned, that it would seem superfluous to add the further motives of their Duty to the King, and of the gratitude they owe to this Country, for the very great Expence & succours supplied for their immediate Defence, & for the future Safety of all their Rights & Possessions in America; And the Levying the men to be furnished by the several Provinces, without any delay, & in such Time that they may not fail to be at the Rendezvous that shall be appointed for them, so as to be ready to commence the operations by the first of May, is so essential as well for preventing the extraordinary Efforts, which, it is supposed the Enemy is preparing to make to stop the further Progress of his Majesty's Arms in America, as for pushing with success, the ensuing Campaign, that it is the Kings Pleasure, that you do employ the utmost Diligence & every means in your power, to forward & expedite this service in the most effectual manner; & to avoid any Disappointment happening from the slowness of the Levies, or from the men who shall be raised, not proceeding in due time to the Rendezvous. With regard to the Expences incurred by your Province for the last Campaign, I am further to acquaint you, that as soon as the Agents of the respective Provinces, duly authorized, shall produce the necessary Documents the same will, without Delay, be recommended to Parliament. for a reasonable Compensation, agreeable to the gracious Assurances, which the King was pleased to allow me to give in my Letter of the 30th Decr last year.

I am, Sir, your most obedient
humble Servant

W. Pitt.

Govr of New Hampshire.

Voted, That the eight hundred men Raised for this years Campaign be Intitled to & Receive six pence sterlg pr Day for their subsistance from the time of their Entring into the service till the Kings provision is issued to them.

Sent up by the Clerk.

Mr. Secy came down & Informed the house twas his Excellys orders to him to adjourn the Genl Assembly till Tuesday the eighth Day of May next to 10 o'clock before noon & then to meet at this place & said accordingly in his majesty's name they were adjourned.

Tuesday May 8th 1759.

Met and adjourned till

[P. 6.] Tuesday, May 15th, 1759, P. M.

Mr. Secy Brot Down his Excellys Messa to the house of this day which was read & is on file.

Governor's Message.

[Copied from MS. Govrs Messa, Vol. III. p. 103.]

Mr. Speaker and Gentlemen of the Assembly—

His Majesty's service has made it necessary to keep the General Court under short adjournments to this day, that you might have an opportunity to dispatch the necessary business of the current year in due season.

The prison is a concern so essential to the government that I need use no arguments to induce you to make proper grants to Inlarge the Convenencys of it & to put it in a fit condition to receive the unfortunate that are to be confined in it.

His Majesty's Fort at New Castle allso demands your attention, and in consideration that the grants you have made for two years past have not been made use of, I am persuaded you will enlarge the grant this year in such a manner as will deserve my attention to that service.

The regiment Employed in the Canada Expedition the present year will demand a Credit at Albany to defray the contingincys of officers & men, which I must recommend you will provide for by making a proper grant.

It will be very agreeable to me and conformable to his Majesty's pleasure, to have that part of my salary payable out of the Interest of the £25,000 Loan, put on some certain footing, that I may without future application to the Assembly, secure the same at some convenient period, allso that what shall be due the 12th of June next may be discharged.

B. Wentworth.

Council Chamber
Portsmouth May 15th 1759.

Whereas there was a Comittee appointed by ye Genl Assembly in May 1758 to Build a new Province Goal, wch Comittee have hitherto neglected to do the same;

Voted That there be a new Goal Built on the same lot of Land whereon the old Goal stands, that Colo Peter Gilman & Colo Clemt March, Esq. be a Committee of this house to Joyn with such as may be appointed by the Honble Council to build the same, & sd Committee are hereby fully Impower'd immediately to Build a new Goal, & that the money in the Treasury by virtue of the Interest of the Twenty five thousand pounds Loan appropriated for that use be paid unto said Committee to Enable them to go on with said affair, & if that prove Insufficient that such a further sum as may be needfull be paid out of the unappropriated money in the Treasury by the Province Tax, that said Committee Render account to the General Assembly that they make such use & Improvement of the materials of the present Goal as they may think most advantageous. Sent up by Capt. Nason. [Concurred & assented to by the Governour.]

[p. 8.] Thursday May 17th 1759, p. m.

Voted, That there be allowed & paid unto his Excellency Benning Wentworth, Esq. Governor & Commander in chief in & over the Province of New Hampshire out of the money in the Treasury the sum of Five hundred eighty five Pounds Eighteen shillings & nine pence new Tenor, (for his more Honble & ample support) from the 12th day of Decr 1758 to the 12th Day of June 1759, & that his Excellency Draw the same out of the Treasury by his warrant by and with the advice of His Majesty's Council. Sent up by Messrs Knight & Seavey. [Concurred & assented to.]

[p. 9.] Mr. Secy Brot Down Colo Peter Schuyler's Letter to his Excelly of the 16th Decr 1758, with his acct of sundry sums paid for the Redemption of Prisoners, & left it on the Table. (1)

Mr. Secy came Down & Delivered the following Verball Messa from his Excellency, viz. That his Excellency having sent Colo Goffe to Worcester to know whether there was any provision made there for marching the New Hampsr Forces to Albany, Colo Goffe Returned & Informed him that there was none; upon which his Excellency by the advice of the Council, ordered a Quantity of Provisions & a number of oxen and carriages to be bought, since which he had received advice from Genl Amherst that there was provision made at Worcester to answer the end aforesaid, & desired the house would pass some order for the disposal of said provision & oxen, which the house took no notice of.

Adjourned.

Saturday, May 19th 1759.

[p. 10.] Whereas there was a Committee appointed April 29th 1757 to buy or Build a province house & whereas the said Committee have hitherto neglected to do the same,

Voted, That the said Committee immediately proceed to Execute the Power communicated to them by said vote. Sent up by John Knight, jun. Esq. [Concurred.]

[p. 11.] Voted That his Excellency the Governor be desired to give orders for the Inlisting or Impressing Forty good Effective men to be Posted at his Majesty's Fort William & Mary till the 25th Day of Septr next to be employed in Labouring & watching, warding & Exercising the Great Artillery as his Excellency the Governor shall order, That each man be allowed seven pounds ten shillings pr month Wages new Tenor to be paid when the Muster Roll shall be made up & allowed by the General Assembly, That the Captain of said Forty men be allowed Fifteen

(1) The Letter of Col. Schuyler cannot now be found. See an interesting biographical notice of him in N. Y. Colonial Documents (found in Secys office, N. H.) Vol. X, p. 776; also a list of the Prisoners in Canada ransomed by him, in same volume, pp. 881-883.—Ed.

pounds new Tenor pr month Wages & an experienced Gunner Ten pounds new Tenor pr month wages; & further Voted, That Capt. Thom^s W^k Waldron be a Committee of this house to joyn [p. 12.] with such as shall be appointed by the Honble Board imediately to provide such proper materials for the repairing the Batterys & Platforms at said Fort & also to procure Twelve new Carriages for the cannon there if needfull & Repair such of the old ones as his Excellency the Governor shall order & that they be supply'd with money out of the Treasury to Enable them to carry the same into Execution & lay their acc^t before the General Assembly as soon as may be, That provision be made by Thomas Bell Esq. for Billeting them, that he supply them with the usual Quantity of meat, bread & peas & gill of Rum pr Day, & be allowed four shillings New Tenor pr Day for each man so supply'd, That the said Thom^s Bell Esq. receive from the Committee for purchasing stores &c. for the Canada Expedition this present year the Thirty Barrells of Pork purchased by them for that use & at the price it cost them as part pay, That he be supplyed with money out of the Treasury to purchase Bread & Rum.

Sent up by Messrs Knight & Richardson. [Concurred.]

Adjourned.

[p. 16.] Wednesday May 23^d, 1759.

Mr. Sec^y came down & said that he was directed by his Excellency to acquaint the house that he had prorogued the general Assembly of this Province to Tuesday the ninth day of October next, & said accordingly in his Majesty's name they were prorogued & then to meet at 10 o'clock before noon at this place. (a)

[Votes, Bills &c. passed by the house and concurred by the Council.]

(a) Jour. C. & Assm. from April 10th to May 22^d, 1759. Bill for supplying the Treasury with £15,000.

Allowed & paid acct of Amos Seavey for wood, £39 : 7 : 6 new Tenor.

Col. Lovewell to be supplyed with Credit to the amount of £200 ster^g.

Abigail Dwinell, a widow, allowed for Gun lost by her late husband £12 : 10 new Ten^r.

Capt. Bell's acc^t for supplys to the Fort, £67 : 10 : 10½. Also Capt. Bells Muster Roll, & billeting, £1114 : 9 : 1.

Allowed Richard Peare £4. sterl^g in full, for sickness, &c.

Allowed Saml. Rankin, for boarding s^d Peare, £2 : 18. sterl^g.

Allowed Stephen Brown, a wounded soldier, £6 : 8. ster.^g.

Sec^y Atkinson for service, 1758, £250, New Tenor.

Rev. Mr. Langdon, chaplain to the Assembly, £12, new Tenor, Rev. Mr. Haven, also, £12 : new Tenor.

Matthew Livermore, Attor^y Genl. £30, new Tenor.

Thom^s Packer, Sheriff, £20, new Tenor.

Nathl Fellows, door keeper, £35 new Tenor.

Acc^t of Mrs. Hannah Horney, for house rent, candles &c. £25, N. Ten.

Acct of Committee for signing Bills of Credit, &c £56 : 15, sterl^g.

Andrew Clarkson, for service, as clerk &c. £18 : 17 : 6. new Tenr.
For Governor's house rent, one year, £100, new Tenor.
Allowed Benjamin Foster, for Doctors bill, £4 sterlg.
Allowed Levi Wyman, for Doctors Bill £1 : 14 : 9. sterl.

Tuesday, Octobr 9th, 1759.

Met & adjourned, till

Wednesday Octobr 10, 1759.

Mr. Secy Brot Down his Excellys Messa of this date with the King's Additional Instruction & sundry other papers therein referr'd to, which is on file, & said that his Excelly tho't 'twas not proper that any copy should be taken of the Instructions & desired that it might be returned to him after the house had made the proper use of it.

Governor's Message.

[Copied from MS. Govrs Messa, Vol. III, p. 107.]

Gentlemen of the Council
& of the Assembly

The season of the year in a more particular manner demanding your attendance on your private business, I shall not detain you longer in General Assembly than the present Exigencies of the Public call for.

The Secretary will communicate to you that part of the Kings additional Instruction given at St. James 22d December 1758, relative to your providing Salarys for the Chief Justice & Justices of the Superiour Court, by which you will observe That it is his Majestys WILL & PLEASURE, That I earnestly recommend to the General Assembly forthwith to make provision for competent Salarys to the Chief Justice and Justices of our Superiour Court or Court of Kings bench in our said Province, and further you are to acquaint the said assembly That we do not only expect from them a ready complyance in providing such Salarys in future, but also that they take speedy and effectual care for the repayment to you our Governor of all such sums as shall appear to have been paid by you out of your own appointment, as Salary to the said Chief Justice in consequence of their refusal to comply with your request to them in that behalf.

When you have taken his Majestys said Instruction under consideration I shall not doubt of your ready complyance therewith in a full and ample manner, more especially as it is a matter so interesting to the well being of the Province.

General Amherst having in his letters of the 13th & 30th of August, made several proposalls to me for his Majestys service, and having fully explained himself on each point, I have thought proper to lay his letters before you hopeing for a speedy resolve thereon, that I may be in time to transmit it to him.

You will observe by Colo Schuylers letters to me, and the account that accompanys them, that he is considerably in advance for the Province for money he paid for the redemption of persons in captivity when he was at

Quebec, I must desire you to furnish me with a reply to his several letters, for want of which I have hitherto delayed giving him an answer(1).

The last thing I have to recommend to you, is the state of the forces that have familys in the Canada Expedition, many of the women are in great distress by reason of their husbands absence, & are in a suffering condition, and if such of the privates that are in actual service could be relieved by a months advance pay, it would be an equitable Act, and I would hope that you will think it just to make a provision in the Treasury, for a sum that will answer the service it is intended for.

B. Wentworth.

Council Chamber
Portsmouth, Octr 10th 1759.

The forenoon spent in sundry Debates in consequence of his Excellency's message & the sundry papers & Letters therein Referr'd to.

Adjourned till 3 o'clock—P. M.

The Acct of Col. Peter Schuyler for the Redemption of sundry Captives in Canada, captivated from this province amounting to £172 : 6 : 4 Sterling being read, & after sundry Debates thereon

Voted, That the acct of Colo Peter Schuyler amounting to one hundred & seventy two pounds six shillings and four pence Sterg be allow'd and paid by Sterling Bills to be drawn by the Committee heretofore Imploy'd to draw Sterlg Bills payable to Peter Schuyler Esq. & Remitted to John Schuyler Esq. at second River in East New Jersey agreeable to his letter to his Excellency dated Crown Point, Sept. 17th, 1759, & that on the receipt of said Bill that any obligations gave by any or all the persons named in sd Act be made over payable to ye Treasurer of said Province for the time being for Acct of said Province. Sent up by Jona Lovewell, Esq. (a)

(a) Jour. C. & Assem, Octr 10, 1759. Mr. Lovewell from the house bro't up the Acct of Col. Peter Schulier for sundry sums advanced by him in Purchasing sundry Captives at Canada who were taken from this Province by the Indians and French, amo to £172 : 6 : 4 Sterling and vote of the house thereon, allowing the same to be pd by Drawing a Sterling Bill for that sum—which vote was read at the board and concurred.

Thursday, Octr 11th 1759.

Voted, That the Honble Henry Sherburne, Esq. Capt. Thomas Wk Waldron, Colo Joseph Smith & Jona Lovewell, Esq. be a Comittee of this house to prepare an answer to his Excellencies Messa of the 10th Inst. & lay the same before the house as soon as soon as possible.

Adjourned till 3 o'clock

(1) It is a matter of much regret that neither the letters of Gen. Amherst nor Col. Schuyler can now be found.—Ed.

P. M.

The Committee appointed this forenoon to prepare an answer to his Excellency's Mess^{a} of the 10th Inst. Laid the same before the house which was read.

Voted, That it be accepted & is as follows, viz.

May it please your Excellency—

Your Excellency's Mess^{a} of the 10th Inst. being under our consideration We thank your Excellency for assuring us that we shall not be kept longer sitting at this busy season than the exigencies of the Publick call for, & humbly beg leave to say:

That the Instruction laid before us appears to be founded on facts related to our most Gracious Sovereign without their concurring circumstances or we can't conceive that it would have been said that the Assembly refused &c. for looking over the Journalls of the late Assembly we cannot find they refused to grant a salary to the Justices of the Super Court, but they were & we are ready to give Salarys to them when the Province is divided into Counties, but till then your Excellency knows persons who have business at that & the Infer Courts are obliged to repair to one corner of the Province for Justice & in many cases we have reason to believe their travel^{g} charge alone exceeds the sum the plaintiff pursues the Def^{t} for, & when it is considered the end of Governm^{t} according to the English mode is for the utility of the whole, We hope more will not be urged thereon till the province is so divided, When the Assembly may chearfully agree to make such provision for salary as shall be generous & Honourable.

In considering of the Letters from his Excellency General Amherst of the 13th & 30th of Augt we have had recourse to the Act by which the Regiment was raised & find that provision is therein made for nine months from the time of Enlistment & as we apprehend few or none of the men were Enlisted till ye latter end of March, their time will not be out till some time in Dec^{r}, wch is longer than the Genl desires to detain them.

If Genl Amherst should think proper to detain a Company of our Regim^{t} over the winter it must be without our privity for in us it would be an actual breach of pledged faith, & the brave soldier might with Justice say he had fought himself into Goal & the Legislature of his Colony had turned the Key, besides the great obstruction it would be to the raising men in future; therefore should it appear necessary for us to have a proportion with ye Mass^{a} of the two hundred men Genl Amherst proposes shall winter on Otter River, we should be for Enlisting them out of ye Regim^{t} or at home; but at present it does not appear so, for the country (as Genl Amherst is pleased to say) is out of all kind of Danger, by his occupying the Post of Crown Point, where the strong Garrison will doubtless be kept the winter season.

The worthy Col^{o} Schuyler's acc^{t} we have ordered should be paid in Bills of Exchange & pray your Excellency will be pleased to order it to be Remitted to him with the thanks of this House. The provision made for advanc^{g} a month's pay to the soldiers in actual service will we hope be agreeable to your Excell^{y}, & now give us leave to congratulate your Excell^{y} on the various smiles of Divine Providence on the protestant cause & the signal victories & successes granted to his Majesty's arms both in Europe & America the summer past.(1)

(1) On the 13th of September the battle "on the plains of Abraham" was fought, where the brave Gen. Wolfe fell mortally wounded. On the 18th, Quebec, the stronghold of the French, was surrendered to the victorious English Army.—Ed.

Province of New Hampr } In the house of Representatives Octobr 11th 1759.

Voted, That the preceding Answer be sent to his Excellency's message of the 10th Inst.

H. Sherburne, Speaker.

Sent by Jonathan Lovewell, Esq.
Adjourned.

Fryday, Octobr 12th 1759.

[p. 21.] Mr. Secy Brot Down his Excellys messa of this Date, wch was read & is on file.

Governor's Message.

[Copied from MS. Govrs Messa Vol. III. p. 111.]

Mr. Speaker &
Gentlemen of the Assembly—

By Jonathan Lovewell Esq. I received your answer to my message of the 10th Instant, on which I shall only remark to you, that what is intended to be an answer to that part of my message founded on his Majesty's Additional Instruction relative to the providing Salarys for the Chie Justice, and Justices of his Majestys Superior Court of Judicature, appears to be evading the thing, & thereby defeating his Majesty's gracious Intention, according to the sense of the Instruction, and therefore I do in the most serious manner advise you not only to establish the Salarys according to the true intent & meaning of the Instruction, but allso to re-imburse me the money that shall appear to have been justly advanced by me in support of the Superior Court, which must have fell, unless I had done it, & thereby the Province brought into the utmost disgrace & Confusion.

B. Wentworth.

Portsmouth, Council,
Chamber October the 12th 1759.

Whereas his Excellency was pleased in his Speech of the 30th Novr 1758 to say as follows, viz.

"It is matter of Complaint of the Chief Justice and other Justices of "his Majestys Supreme Court of Judicature that they have not a compe-"tency allowed them to support the dignity of the Court the considera-"tion whereof I have laid before a former Assembly, but as no provision "was then made for their suppt the Chief Justice resigned, likewise the "other Justices,—upon which I foresaw that many & great Inconvenien-"ces must arise upon that Court's falling, in order to prevent so great "an evil to the Governmt with much difficulty I prevailed on the Chief "Justice to continue in the Court for some time longer, which he con-"sented to & the other Justices followed him, upon which you may ob-"serve the continuance of the Courts is not owing to the Genl Assembly "but to my care and watchfullness."

And whereas upon a Review of the Journal of the two preced-

ing Assemblys we found they were ready to give Salary to the Justice of the Superiour Court when the Province was divided into Countys, which being agreeable to our own sentiments, we made choice of a Committee which was joyned by one from the Honble Board & they Reported that it was adviseable the province should be divided into three Counties: On which the house chose a Committee to be joyned by the Honble Board to make report where it would be Best the Dividing lines of said Countys should be fixed &c. but by the prorogation in May last that Committee ceases: & Whereas his Excellency in his Mess^a of the 10th Inst. is [p. 22.] urgent for a Salary for said Justices & it appearing to us that we cannot with Justice charge our constituants with such salary till the Province is Divided into three Counties agreeable to the Report of the Committee of both Houses In Jany 24th 1759:

Therefore, That the same may be speedily finished & all matter of Complaint on one side or grievance on the other cease:

Voted That the Province be divided in three Countys & that Portsm^o, Dover, Hampton, New Castle, Gosport, Rye, Stratham, North Hampton, Hampton falls, Kensington, Greenland, Newington, Durham, Summersworth, Rochester, Barrington & Barnstead with all the lands to the eastward of Barrington & Barnstead west side lines be one County; That Portsmouth be the Shire Town, That one Inferiour Court of Common Pleas & one Court of Genl Quarter Sessions for the Peace be held in June Annually at Hampton & one Inferiour Court of Common Pleas & one Court of Genl Quarter Sessions for the Peace be held in Sep^t Annually at Dover & that all the other Courts to be held in said County be held at said Portsmouth.

That Exeter, South Hampton, Newton, Kingston, East Kingston, Chester, Londonderry, Hampstead, Plastow, Salem, Pelham, Windham, Bow, Derryfield & Epsom with all the Towns & Places not before mentioned on the East side of Merrimack River Except Nottingham West & Litchfield be one County, That Exeter be the Shire town, that two Inferiour Courts of Common Pleas & two Courts of Genl Quarter Sessions for the peace be held at Chester Annually, & all the other Courts to be held in s^d County be held at said Exeter.

That Nottingham West & Litchfield with all Towns & Places, part of Bow excepted, on the west side of Merrimack River be one County & that Dunstable be the shire Town & that all the Courts to be held in said County be held at Dunstable till further order of the Genl Assembly.

That there be held yearly in each County, four Infe^r Courts of Common Pleas & four Courts of Genl Quarter Sessions of the Peace, two Sup^r Courts of Judicature, Courts of Assize & Genl [p. 23.] Goal Delivery in each of the lower Countys & one in the upper County under such Regulations as shall be agreed on by the Genl Assembly, That there be one Court of Probate for Wills, &c

& one Register of Deeds in the Shire Town of each County & that Peter Gilman, Jon^a Lovewell Esqs. & Capt. Thomas W^k Waldron be a Committee of this house to joyn with such as shall be appointed by the Honble Board to draw a Bill accordingly.

And further Voted, That after said Bill is passed into a Law, during the continuance thereof that there be paid annually out of the Treasury to the Justices of the Sup^r Court as Salary the sum of one hundred pounds Sterling or the value thereof in Bills of Credit, to the Chief Justice Forty pounds thereof & Twenty Pounds to each of the three other Justices of said Court & that the same be paid by his Excellencys warrant with the advice of his Majesty's Council. Sent up by Major Smith.(a)

(a) Journ. C. & Assm. Oct. 13, 1759. The Council took under consideration the vote of the House of the 12th inst. for Dividing the Province into three Countys & for allowing the judges of the Superiour Court of Judicature Salary &c. and non-concurred the same, for the same reason that his Majesty's Council in the 17th of Jany 1755 gave the then House for not acting upon a similar vote of the then Assembly—and acquainted the Assembly thereof by a mess^a sent by four of the Council And at the Same time acquainted the House that they had orders from his Excellency the Governour to assure them that he would, if the Council advised to it grant a Charter for a County on the West side of Merrimack river as soon as the necessary acts of Government requisite in that affair were calculated—all which was Delivered to the Speaker in the House.

[p. 24.] Whereas the Committee appointed by vote of this House the 9th Jany last for getting a new addition of the Laws of this province printed, concurred by the Honble Board & consented to by his Excell^y, have hitherto neglected to do it,

Voted that they be authorized to correct & amend the Expressions or words of any Law where it is necessary to make the de-
[p. 25.] sign & Intent of it clear & plain, & to leave out such acts or paragraphs of any acts as are superseded by others made afterwards, & to insert such paragraphs as are implyed tho' not expressed to remove any doubts about the meaning & Extent of the Law, Provided the spirit & original design of the law be not thereby changed, That acts made in addition to others be framed & formed into one Law comprehending the whole of each. That where new Laws are wanting they be desired & authorized to prepare copies of such acts of Parliament as are of Genl use & suited to the circumstances of the Inhabitants of this Province & present the same to the General Assembly to be adopted as Laws here, & that they be allowed all necessary charges & Expences to effect the same and their reasonable account for their time & trouble. Sent up by Capt. Morse the 16th of Octob^r 1759, A. M. [Concurred by Council.]

Adjourned.

[p. 26.] Thursday, Octob^{r} 16th 1759.

The Honble Theodore Atkinson, Joseph Newmarch Mark H. Wentworth & James Nevin Esqs. came down from Council Board and said they had non-concurred the vote of this house of the 12th Inst for Dividing the Province into Counties, for the same Reasons they did the vote to the same purpose in the year 1755. Likewise said that he had a verball Mess^{a} from his Excellency, which was that if the Council should advise to making the Province into two Counties, he should not be against it,

[p. 27.] Provided the same be done by a charter from him with the advice of Council (& said that by his Excellency's directions to him, he had laid the same before the Council & they had advised to the Dividing the Province into two Counties) & that when the Assembly had made the proper Laws for regulating s^{d} Courts that his Excellency would consent to the same, & further said that the Council were of opinion that the Judges then ought to have an adequate salary therefor.

This was delivered just before one o'clock.

Adjourned till 3 o'clock—

P. M.

On a motion being made & seconded &c. that a Committee of this house immediately wait on his Excellency & Inform him y^{t} there is not so full a house now as there was last week & that its Quite improbable there will be, & to desire that the house might be adjourned for some time, as the Bussy season of the year will hinder the attendance of the members, & that the affair of the Counties might subside till a fuller house, &c.

Voted, That the Honble Peter Gilman, Col^{o} Clem^{t} March & Col^{o} Joseph Smith, Esqs. be a Committee of this house to waite upon his Excellency with the foregoing verball message—who directly waited on his Excellency.

Who returned and said, That if the Sec^{y} would come down he would conferr with him in the morning & let the house know.

Adjourned till tomorrow morning, 9 o'clock.

Wednesday Octob^{r} 17th, 1759.

Mr. Speaker went to Council Board & desired his Excell^{y} to appoint a day of Genl Thanksgiving thro' this Province on occasion of the important news Rec^{d} this day.

[p. 28.] Whereas the important & interesting News Rec^{d} this day from Europe of the King of Purshia's victories & the success in the Reduction of Canada &c. this year,

Voted, That the Honble Theodore Atkinson & Henry Sherburne, Esq. be desired to cause the State House in this Town to be Illu-

minated if they think it necessary, & any other expenses on s^d occasion that they shall think proper, at the cost & charge of s^d Province. Sent up by Esq. Little. [Concurred.] (1)

Adjourned by his Excellencys order.

Monday, October 29th 1759, P. M.

Mr. Sec^y Brot Down his Excelly's Mess^a of this date which is on file (first being read) & Likewise said his Excell^y desired that he might have an answer as quick as possible, in order for his writing by the Mast Convoy.

This afternoon taken up in conference thereon.

Governor's Message.

[Copied from MS. Gov^rs Mess^a Vol. III, p. 113.]

Mr. Speaker & Gentlemen of the Assembly

The money I have advanced in support of his Majesty's Superior Court of Judicature, & which the King by an additional Instruction given at our Court at St. James, 22^d of December 1758, has directed you to reimburse me, amounts to £160 Ster^g money of Great Brittain, the payments to the Chief Justice commencing at Christmas 1755, and must be paid until Christmas 1759, which is the soonest my orders can arrive in England to discontinue said payment.

B. Wentworth.

Council Chamber in
Portsmouth, October 29th
1759.

Tuesday October 30th 1759.

[p. 29.] Col. John Downing Esq. Brot Down the Petition of ye Inhabi^ts of the Town of Portsmouth praying Liberty to bring in a bill for a lottery for paving the streets in said Town, wch was read a first & second time & granted.

Col Gilman enters his dissent & Mr. Giddings.(a)

(a) Journ. C. & Assem. Oct. 30th, 1759. The petition of Hunking Wentworth and about 70 others inhabitants of the Town of Portsm^o praying to be Enabled by a Lottery to raise a sum of money to help defray the charge of paving the Streets in said Town & vote of the house thereon

(1) The following is an Extract from a letter written by Hon. Theodore Atkinson to Mr. Thomlinson, dated Portsmouth October 27th, 1759. "The taking of Quebec gives new spirits: 'tis a glorious conquest. Genl Wolfe is much deservedly lamented. If the weather should force Genl. Amherst into Winter Quarters too soon to accomplish the reduction of the whole country, it must be an easy conquest the next year, tho' I am not without hopes of its being happily finished this fall. The Genl is parted some time from Crown Point & with his Naval force has demolished Two of the French vessls of force that were in that Lake & has taken a third. The one remaining will not 'tis tho't attempt any opposition to the Genls progress. A little time will inform us of the consequences of his attempt." *Belknap Papers, p.* 173.—Ed.

granting the Prayer thereof and giving the Petitioners leave to bring in a Bill accordingly which vote was read & concurred at the Board.

[p. 30, 31.] His Excellencys severall messages pressing the settlement of salaries for the Chief Justice & the other Justices of his Majesties Superiour Court being read, the house proceeded to the consideration thereof & after the most mature deliberation, the Question was put Whether Salaries should be settled on said Justices without the Province being divided into Counties, & it passed in the Negative. Whereupon it was ordered that Jon^a Lovewell Esq. & Mr. Thomas Wiggins wait upon his Excellency with the following verbal message:

May it please your Excellency—

The House are willing to settle suitable Salaries on the Chief Justice & other Justices of his Majesty's Sup^r Court as soon as the Province is divided into three Counties & not before.

Adjourned.

Thursday, November 1st 1759.

[p. 32.] The Bill for Incorporating a Parish partly in ye Town ship of Bow Read a second time, & as the house is to be adjourned y^s forenoon Mr. Speaker adjourned for 4 minutes.

Met according to adjournment. The Bill being read a third time—

Voted, That it pass to be Enacted. Sent up by Capt. Nason. (a)

(a) Jour. C & Assm. November 1st 1759. Mr. Nason from the House bro't up an act for Incorporating a Parish partly within the Township of Bow & Partly within a place known by the Name of Suncook & Buckstreet, read three times & past to be enacted. (1)

[p. 33.] Adjourned by order of his Excellency to Tuesday the 20th Inst. to 10 o'clock before noon. (a)

[Votes, bills &c, passed by the house and concurred by the Council.]

(a) Jour. C. & Assem. from Octo^r 9th to Novr. 1st 1759. One months pay voted to the soldiers of Col. Lovewells Reg^t.

To strike off £8000 sterling to put into the Treasury.

The Treasurer to pay the silver borrowed in 1758 & interest thereon.

Allowed Henry Langster Jewell, a soldier in Capt. Trueworthy Ladd's Co. 1758, £3:12:4 sterl^g

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(1) The town received the name of Pembroke. The original name was *Suncook*. The grant of Bow by the N. H. Governor & Council, 1727, was nine miles square and covered a large part of the territory on both sides of the Merrimack river of what is now Concord and Pembroke. See Bouton's Hist. pp. 205-207.—ED.

John & Richard Harvey's petition, to settle estate of Mrs. Ann Slayton, granted liberty to bring in a bill.

Philip Towle of Hampton, guardian of children of Amos Towle, on petition, allowed to bring in a bill, for dividing the estate.

Elisha Towle's petition for settling an estate with his brother Benjamin Towle.

Allowed Ezek' Moores and Bradbury Richardson each 18*s* sterling, for arrearages in pay Roll.

Allowed acc^{t} of com^{tee} for Imprinting £8000, £19 : 5*s* sterling.

Allowed Major Joseph Smith £10 new Ten^{r} for loss of a gun borrowed of him by Robt. Morrell in Capt. Mooney's Comp^{a}.

Bill enabling Jno. Griffith & Geo. Huntress to sell a piece of land &c.

Tuesday November the 20th 1759.

The General Assembly of this Province is, (by his Excellency's Proclamation) Prorogued to Wednesday, the second of Jany next at Ten of the clock in the forenoon, as may more fully appear in the New Hampshire Gazette Nov. 16th 1759. (Number 163.)

Wednesday, Jany 2^{d} 1760.

Met but not sufficient to make a house, adjourned to

Thursday Jany 3^{d}, 1760.

Mr. Sec^{y} Brot Down his Excelly^{s} Mess^{a} of ye 2^{d} Inst. wch was read & is on file.

[Copied from MS. Gov^{rs} Mess^{a} Vol. III. p. 127.]

Mr. Speaker & Gentlemen of the Assembly—

My sole motive for Proroguing you to this day, was, to give you full time to deliberate on the Importance it is to the Province, to pay a due obedience to his Majesty's additional Instruction given at St. James December 22^{d}, 1758, relative to settling a salary on the Chief Justice & other Justices of his Majesty's Superior Court of Judicature, and making me satisfaction for the money I am in advance in support of that Court.

I would persuade myself that it was for the want of due reflection on the bad consequences that must unavoidably arise to the Government that caused the delay in paying a due obedience to the Instruction in your two last Sessions.

But I hope, I now meet you free from all prejudices, & that every offence is removed that prevented you from doing your duty, especially when you take under consideration the solemnity this Instruction has passed through, how essential it is to your own safety. & prosperity, how grateful your obedience to it will be to the King, and what a scene of Ingratitude your non-complyance must Expose you to when I shall make a Representation thereof which I am Indispensably obliged to do.

I have not diverted your attention from his Majesty's Instruction by recommending other business, defering that until another opportunity,

intending to devote the remainder of this week to this service only, hopeing you will give me the opportunity of recommending you to his Majesty's favour, as the representatives of a dutifull and Loyal people.

B. WENTWORTH.

Council Chamber
January 2d 1760.

[p. 34.] Voted That Jonathan Lovewell, Daniel Little, Esqs and Mr. Abner Morrell be a Committee to wait on his Excellency and to confer with him on the subject matter of his Messa to the house of ye 2d Inst, who Imediately waited on his Excellency.

Adjourned till 3 o'clock,

P. M.

His Excellencys Messa of the 2d Instant being read, The Committee appointed to wait on his Excellency to confer on the subject matter of his Messa to the house of ye 2d Instant Returned this afternoon, & Reported that they had a conference with his Excellency thereon & said—

That his Excellency told them that the King's Instruction mentioned in his message of the 2d Instant he thought noways related to Countys & that he did not think 'twould be of any service to the Governmt to have it divided into Countys at this time, But when he thought it would be of any advantage to the Governmt he should not be against it, & even then he could not consent to it till he had the Royal approbation thereof.

Jonathan Lovewell Esq. sent to Council Board to desire that the King's Instruction (mentioned in his Excellys Messa of the 2d Inst. to this House) Dated Whitehall Dec. 22d, 1758, might be laid before the House.

The Secy Imediately Brot Down the same which was Imediately read. (a)

(a) Jour. C. & Assm. Jan. 4. 1760. The Council taking under consideration his Majesty's Additional Instruction to his Excellency the Governor of the 22d of December 1758, directing his Excellency to recommend in his Majys name to the Genl Assembly forthwith to make Provision for Competent Salaries to the Chief Justice & Justices of the Superior Court &c., and resolved it was the unanimous opinion of this Board that a message be sent down to the Houble Assembly to acquaint them that this Board think their complyance with his Majesty's said Instruction of the greatest importance to the future welfare & advantage of the good people of this Province, & that this Board would gladly concurr any vote calculated & Past to answer that end. (1) Sent down.

The Question being put, Whether the house would make any provision for a Salary for Justices of his Majesty's Superior Court without the Province being Divided into counties, and it passed in the Negative. Adjourned.

(1) The paper containing the Additional Instruction, the editor has not been able to find.

[P. 37.] Wednesday Jany 9, 1760.

The Honble Daniel Warner & Joseph Newmarch, Esq. came down & Desired the attendance of the house at Council Board, they Imediately attended, & Mr. Sec^y Atkinson read his Excellencys Speech to both houses of this Date, which was D'D the clerk to bring down to the assembly which was read, & a copy thereof is on file. The Honble Joseph Newmarch Esq. Brot Down Genl Amherst's Letter to his Excellency dated Dec. 13, 1759 (at New York) which was read—a copy thereof is on file.

Governor's Message.

[Copied from MS. Gov^rs Mess^a Vol. III. p. 129.]

Gentlemen of the Council
& of the Assembly—

The just and necessary war his Majesty has engaged in for the safety and protection of the British Colonys in North America has been successful even beyond our expectations, and from the conquest of Quebec, Crown Point, Ticonderoga & Niagara the enemy is cut off from all communications to the ocean, or through the Lakes, and yet there is a considerable body in Montreal and the places adjacent that remain unconquered. The measures intended to be taken to accomplish this great design, you will be acquainted with from General Amherst letter of the 13th of December last which the Secretary will lay before you, and as this Campaign will in all probability be the last that we shall be called upon to joyn in I hope ways and means may be concerted, so as to raise & March the forces expected from us.

By General Amhersts letter you may observe how highly acceptable our past services have been to his Majesty. I am persuaded therefore that the present demand for the service of the next Campaign can meet with no Impediment, but that there will be a happy union in the respective branches of power, which must Influence the whole to exert themselves with the same vigor & resolution as in past Expeditions.

As soon as the Muster Rolls are prepared in Coll^o Lovewells Regiment, I shall direct them to be laid before you, and since you have reserved the passing them I hope a less burthensome method will be agreed upon than heretofore.

The men granted for his Majesty's Fort, have not been Employed the full time of the grant, the scarcity of Laborers being so great on account of the men employed in his Majesty's service for the Canada Expedition that I foresaw the Inconveniences would be too great for the country to bear.

Upon viewing the plan of the old Fort, I found the dimentions too scanty in time of action & no safety for men to rest in when not upon duty. Surveying also the West end of the old Fort & finding great part of that, with the southwest Bastion not in a condition to repair, I have carried on the South Battery and made it capable of erecting twenty cannon, wch with the other works had added double strength to the fort, & when finished there will be sufficient room for every thing requisite in a fortification. I must therefore recommend that you will make an annual grant of such a sum as can reasonably be spared to compleat the work.

With regard to the outstanding loans & publick accounts, which you are very sensible ought to have been adjusted long since, I have so often

recommended them, that I think it will be spending time needlessly to repeat my sentiments to you on those points, assuring you that when they come up to me, they shall meet with no delay.

B. WENTWORTH.

Council Chamber in
Portsmouth January 9th 1760.

Letter of General Amherst to Gov. Wentworth.

[Copied from MS. Corr. Vol. III p. 165.]

New York 13th Decr 1759.

SIR—

Having by this Last Packett Received the King's entire approbation of the signal zeal and Spirit which the officers and soldiers on all occasions manifest for the honor of his Majestys arms, I am glad thro' your channel to seize the first moment to inform those of your Province, of his majestys most Gracious Commands no' doubting but that by a continuance of their brave & good behaviour (which canno fail of giving further succe-s to his Majestys arms) they will prove deserving of this Destinguishing mark of the Royal approbation.

I come now Sr to make you the same Requisition I did last year upon my entering on the General Command, for altho' I have not at present no more than I had then any particular orders relative to the operations of the campaign yet I am certain it must be of infinite service to the public cause, that the Province of New Hampshire should keep up during the Winter, the same Number of officers and men, that its Assembly voted for the opperations of this last Campaign, by which, as I have often before observed, they will not only procure a saving to the Province, but those troops will be ready npon all occasions, and whenever the service may require, the advantages of which are too obvious not to make me flatter myself, that altho' this Essential & necessary measure did not take place last year, it will this, And I must beg you will be Pleased to Recommend the same in the strongest manner to the Assembly. But if before this reaches you the New Hampshire Troops should already be disbanded, or that the above mentioned measure should, contrary to my Expectations not take place, in that case I must further Recomend it to you to take the earliest opportunity of acquainting the Assembly that I imagine the like number of Troops will be wanted for the operations of the ensuing Campaign as have been furnished by the several Provinces & Colonies for the services of the last, & that I trust the Province of New Hampr will make the earliest Provision for those of their Province that they may be ready at the first calls which will be sooner the next than this year on acct of the greater distance they have to go to our present frontiers.

And I would at the same time recommend it to their most serious consideration, that in the Provision they shall so make, they will not limit the time of service to any fixed period, but as the Colonies of Connecticut & Rhode Island have very wisely don, stipulate the same either during the war or at least during the campaign the length or shortness of which cannot be ascertained, as it depends wholly on circumstances, and as I am confident that the Province of New Hampshire is as desirous as any other of his Majesty's Provinces & Colonies in America to contribute towards the Salutary work of a good & lasting Peace, by giving the same Assistance, and for as long a time as those of Connecticut & Rhode Island, I have no manner of doubt but that they will very readily & chearfully comply with this request.

I am with great regard,
your most obedient,
humble servant

JEFF. AMHERST.

His Excellency Govr Wentworth.

Copy from the Original, A. Clarkson, Clerk.

[P. 38.] Thursday Jany 10th 1760.

Voted, That the Honble Henry Sherburne Esq. Col^o Peter Gilman & Col^o Clem^t March Esqs. be a Committee of this house to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excellencys Speech of the 9th Inst. & Genl Amhersts Letter therein mentioned & make Report as soon as may be what may be proper for this Governm^t to do in Relation to those important matters therein recommended.

Sent up by Mr. Parker. [Concurred & Committee added.](a)

Adjourned.

(a) Theodore Atkinson, Richd Wibird & Daniel Warner, Esqs. appointed on the parte of the Board for the end aforesaid.

[P. 42.] Fryday Jany 11, 1760, P. M.

The Committee to make Report on his Excellency's Mess^a of the 9th Inst Presented the same this afternoon. Adjourned.

Saturday, Jany 12th 1760.

The Report of the Committee was again read the house took the same under consideration Imediately. This forenoon taken up in Debates & Arguments thereon. Adjourned.

Tuesday, Jany 15th 1760, P. M.

Late this afternoon before members sufficient came to town & the time spent in conference on the Committees Report &c. Adjourned.

[P. 43.] Wednesday, Jany 16, 1760.

This forenoon taken up in Conference of the Report & other affairs of Importance.

Adjourned till 3 o'clock P. M.

Voted, That the Honble Henry Sherburne Esq. Capt. Thom^s W^k Waldron, Col^o Peter Gilman & Col^o Clem^t March Esqrs. be a Committee of this House to prepare an Answer to his Excellency's speech to both houses of the 9th Inst. & lay the same before the Genl Assembly as soon as may be. Adjourned.

Thursday Jany 17th 1760.

[p. 44.] The Committee for prepar^g an answer to his Excellencys Mess^a of the 9th Inst. presented the same, which was read, & Voted to be accepted, & is as follows, viz.

May it please your Excellency

Your Excellency's speech from the chair of the 9th Inst. being under our consideration. We cannot but (with the sincerest gratitude to the Divine Being & the Best of Kings) reflect on the glorious successes which it hath pleased the God of armies to Crown his Majesty's arms with in these his North American Dominions, the very enumeration of them in your Excellency's speech animates our gratefull souls with the high praises of the Almighty Author of all good, & fresh zeal for his Majestys service: We are ready, We are willing to contribute all in our power towards finish^g the glorious work begun, tho' bowed down & distress'd with the heavy burden of a Long & Calamitous War, yet no disspirited we only want the means & where shall we find them?—found they must be, tho' we pledge our Land for security. The Kings condescention in signifying his Royal approbation of the conduct of his officers & soldiers, we gratefully *resent*, & the matters Recommended in Genl Amherst's letter [p 45.] of the 13th of Decr shall be fully weighed, duly considered & as speedily determined on as the nature thereof will admit, & as it is absolutely necessary in order hereto that the State of ye Treasury should be known, we pray that your Excellency will be pleased to order the state thereof to be laid before us without delay.

We are truly sorry that the muster Rolls of Col^o Lovewell's Regim^t are not prepared & laid before us because it will be in vain to think of engaging the same men again till they are paid for past services. When those Rolls are properly laid before us they shall be examined & passed upon in the easiest method & without being in the Least burthensome.

We thank your Excellency for any savings that have been made in the grant of men for his Majesty's Fort, but cannot judge thereof or of the other matters recommended relative thereto till we see the acc^ts which we desire may be laid before us, for it is the full determination of this house if your Excellency will be pleased to give us time & opportunity to have all the public loans & acc^ts immediately settled & herein your Excellencys assurances give hopes of your ready & full assistance.

When small states are united they become strong. When the whole of a body politic seek the same salutary end & all make the public good their only aim, then a sweet Harmony subsists: This, May it please your Excellency, is what we have ever most assiduously sought after, What we still strive to maintain, & hope that it will not be in the power of Envy itself to keep us from.

Voted That the preceding message be sent to his Excellency in Answer to his Excellencys Mess^a of the 9th Inst.

Sign'd, P. Gilman, Sp^r, pro Tempore.

Voted That Col^o Joseph Smith, Col^o Clem^t March & Matthew Thornton Esqs. be a Committee to wait on his Excellency with the foregoing Message.

Adjourned.

[P. 48.] Saturday, Jany 19th, 1760.

Voted, That the Excise be raised to six pence ster^s pr Gallon on all spirituous Liquors sold by Taverners & Retailers in this Governm^t.

Voted That there be an Impost Duty laid on all Rum, wine, Brandy, or any spiritous Liquors Imported or Transported into this Governm^t, of Ten shillings ster^s for every hundred Gallons, & so in proportion for a greater or less Quantity.(a)

Adjourned.

[Votes, Accts, bills, &c. passed by the House, and concurred by the Council.]

(a) Journ. C. & Assem. from Jany 5th to Jany 18, 1760. Dover Petition for a Lottery to enable them to build a bridge.

New Castle petition for a Lottery to enable them to finish their Bridge.

Sterling paper bills to be rec^d for Rates & so excluding Canada money.

Doctor Matthew Thornton allowed £94 : 14 : 4 new Tenor, for medicine & attendance on a sick soldier.

An act for calling a Proprietors meeting in the town of Dunstable.

Allowed Robt Barber a soldier for loss of Blanket, £3 : 15 new Tenor.

Do. Doct. John Cumming, for attendance on Richd Perry, a soldier, £11 : 5 new tenor.

Do. Jona. Pulsifer, £2 : 14 sterling, for his son being a soldier, sick in the year 1758.

Do. William Wentworth, 13*s* & 6*d* sterling money, a soldier in 1758.

The acc^t of Daniel Fowle for printing, £60 new Tenor.

James Cochran for money burnt, allowed £16 : 10 new Tenor.

Thomas Haly allowd 48*s* & 4*d* ½ sterling, for his son sick, & a gun lost.

Petition of selectmen of Londonderry relative to salmon & shad fishery—a hearing granted. Also petition of Inhabitants of Londonderry relating to a high way thro' Joseph Boyes land.

Petition of Philip Towle and another of Elisha Towle guardian granted a hearing.

John Moor, a captivated soldier at Fort Wm. Henry, allowed £127 : 10 new Tenor.

Col. John Goffe allowed for rations to soldiers in 1757, £82 : 3 : 9 new Tenor.

Petition of Saml Webster & others, of Kingston, praying to be incorporated into a new Parish, granted a hearing.

Petition of John and Richard Harvey, relating to the estate of Mrs. Ann Slayton.

Doct. Saml Adams, allowed £30 new Tenor for attendance & medicine for sick soldiers.

Keport of Com^tee on bounds of Durham, accepted.

Souhegan West Incorporated.

Jour. C. & Assem. Jany 18 1760. His Excellency ordered the Sec^y to read at the Board the Petition of the Inhabitants of a Place called Sowhegan West, praying for a Charter of Incorporation, and asked the Council weither they advised him to grant the same by a Charter for some limited time, to which the Council did advise & consent and accordingly the Charter was read & advise to by the Board (1)

(1) The town received the name of AMHERST in compliment to Gen. Jeffrey Amherst, an English nobleman, and at the time, commander of the victorious British forces in America.—ED.

[p. 49.] Tuesday Jany 22^d 1760.

Voted, That Daniel Pierce Esq. be and hereby is appointed Recorder of Deeds & Conveyance of lands for this Province for the space of one year from the 13th Inst. and untill the third day of the next sitting of the Genl Assembly, &c.

Sent up by Capt. Henderson. [Concurred.]

[p. 50.] Wednesday Jany 23^d, 1760.

The Comittee's Report in answer to his Excellencys Mess^a of ye 9th Inst being again read, & after sunday Debates thereon, 'twas ordered to lay till the afternoon.

Agent Thomlinson's Letter to the Comittee of War dated London — — — — — & the Comittees answer to said Letter dated Portsmouth, were both read in the house this forenoon.(1)

Adjourned till 3 o'clock, P. M.

The Committees Report in answer to his Excellencys Mess^a of the 9th Inst. was again read, the same was imediately taken under consideration & ordered to Lay.(a)

(a) Jour. C. & Assem. Jan. 23^d. The Secretary by his Excellencys order laid before the Board the Charter of the Town of Bow, and also an Act of Assembly Entituled an "Act for Incorporating a Parish Partly within the township of Bow & Partly within places known by the name of Suncook & Buckstreet," and that asked the Councils oppinion weither if he passed the said Act, it would not interfere with the charter aforesd: to which the Council answered that they tho't it did not Interfere and that the said Act was not only agreeable to the Town of Bow as appears by their agents certificate but would also be of great service to them as well as the Petitioners & would promote the settlement of the Land thereabouts.

Thursday, Jany 24th, 1760.

Mr. Speaker & the Clerk being absent with the Committee in settling the Committee of War Report all Day, the House proceeded to the choice of a Speaker pro tempore & chose Clem^t March, Esq. Speaker pro tempore, & Jon^a Lovewell, Esq. Clerk pro tempore.

[p. 52.] Fryday, Jany 25th 1760.

The Committee's Report in Answer to his Excell^ys Speech of ye 9th Inst. being again read, & under consideration this forenoon:

(1) The letters here referred to have not been found.—Ed.

[p. 53.] Province of New Hampr. Jany 10th 1760.

The Comittee appointed by vote of this Day to consider of the subject matter of his Excellency's Speech to both houses of yesterday's Date, and to Report what may be proper for this Governmt to do in relation to the important matters therein recommended, and having had his Excellencys said Speech, together with Genl Amherst's letter to his Excelly of the 13th December last under our consideration, beg leave to Report That notwithstanding the inability of this Province & ye seeming Impossibility that may attend its being further assistant, yet when we consider his Majesty's Recommendation & the glorious end proposed & now in prospect:

We think it advisable for this Province heartily to attempt the raising & paying as usual Eight hundred effective men, officers included & to expedite the Levys, and for the Encouragement of all such effective men as served the last Campaign & will by the 15th day of Feby next Inlist into his Majesty's service again, to serve in ye next, they shall be borne in whole pay from the date of their last years Enlistment Thirty shillings pr month, & shall not be stay'd, arrested or Imprisoned for any less sum than Ten pounds sterlg due to one Demandant & what number soever may happen to be Deficient after the said 15th Day of Feby to be made up by Inlistmt or Detachmt from the several Regiments of militia who shall receive the same Bounty, rewards, gratuitys & Wages & be Intituled to the same privileges as those that served the last year had & Enjoyed.

And for defraying the heavy Expences of this Emergency it is further proposed that fifteen thousand Pounds sterlg be emitted in Bills of Credit whose Tenor shall mention the sterlg value of each Bill & carry an Interest of five pr cent pr Annum & payable in five years by Tax or in silver or gold with the Interest that shall be due when so paid in, to be paid in three Equall annual payments comencing in the year 1764, that part of said sum be Improved in Dispatchg & sitting forward the Regiment & be Imediately Impressed & signed & put into the Treasury for that End & that the Remainder thereof be printed & signed & put into the Treasury in season to pay off the Muster Rolls &c. & that no Injury may accrue to the possessors of these Bills they shall at the Periods receive the value in silver or gold or Bills of Exchange with Interest due thereon.

[p. 54.] But in case his Majesty should graciously be pleased to make any further grant to this Province, which we have the greatest reason to hope for, that in that case such sum so granted be Imediately put into the Treasury & Improved in Redeeming the said Bills, or the said sum may remain in England to be Drawn for by Bills of Exchange payable to the Possessors of said Bills.

We would further Recommend to the consideration of the Legislature the sitting on foot a Provincial Lottery, the neat Profits of which should be apply'd towards the Paying the Interest or part of the principal of the sum hereby proposed to be emitted, and whatever sum shall be Recd either by his Majesty's bounty or Lottery aforesd shall lesson so much of the Province Tax proposed to be laid for calling in the said Bills.

By order of the Committee
Theodr Atkinson.

In Council, Jany 11th, 1760
Read & order'd to be sent down
to the Honble Assembly.
Theor Atkinson, Secy.

Province of New Hampr } In the House of Representatives, Jany 25th 1760.

Voted, That this Report be accepted with the following Amendments:

1st That what number may be wanting to fill up the Regimt after the said 15th Day of Feby, be made up out of any men that will inlist who have been in the service, in any of the late Expeditions, & that they have the same pay & Incouragement as those in the service last year, (except Deserters) who may Inlist now.

2d That the Bills proposed to be Emitted carry the Interest of two & a half pr Ct. pr Annum & no more:

3d That there be no provincial Lottery.

A. Clarkson, Clerk.

In Council. Jany 26th 1760.
Read & Concurred.

Theodd Atkinson, Secy.
Consented to, B. Wentworth.

P. M. (a)

[Votes, accts. &c. passed by the House and concurred by the Council.]

[p 55.] (a) Jour. C. & Assm, 25th–26th Report of Auditors on Acct of Committee for transacting affairs of the Crown point Expedition, 1756, accepted & concurred, balance in hand £2334 : 18 : 8¾ New Tenr.

Also Acct of sd Committee for 1756–1757 balance in hand £95 : 4 : 2¾ sterling accepted & concurred.

Also Acct of Committee for Crown Point Expedition, 1757, balance in hands, £1103 : 18 : 4¼ new Tenor. Accepted & concurred.

Also Acct of Committe for Crown Point Expedition 1758; balance in hand, £39 : 13 : 8, sterlg. Accepted & concurred.

Allowed Abr. French of Kingston, for mon y burnt, £7 : 15, new Tenor.

Allowed Elijah Denbo, a soldier captivated, 1757, £128 : 2 : 6, new Tenor.

Allowed Robt Mason, a soldier in 1756, £172 : 2 : 6, new Tenor.

Allowed Acct of Col. Thomas Packer, for paying bounty money, 1758, £12 sterling money in full.

[p. 63.] Fryday, Feby 1st 1760.

Mr. Secretary Atkinson Bro't into the house a parcell of sheets & some Counterfeit bills with the following Representation, viz.

Province of New Hampr } Jany 31st 1760.

In pursuance of a vote of Assembly of 4th of Feby, 1758, directing me to Receive from the members of the Council & Assembly the Blank Sheets of paper Bills taken out of the Treasury or Province Box by virtue of a vote of the 24th Jany 1755, in order to compare with & detect counterfeits, I have received from the following persons the sheets as mentioned below, viz.

Of the Council.

Theodore Atkinson,	2 sheets.	Danl Warner	2
Richd Wibird	2	Jos. Newmarch	2
Saml Smith	2	Sampson Sheaffe	2
John Downing	1¾		

Of the Assembly.

Henry Sherburne,	2	Richd Jenness	2
Eleazer Russell	2	Mr. Stevens	2
Meshech Weare	2	Mr. Page	2
Peter Gilman	2	Dea. Philbrook	2
Mr. Giddings,	2	Clemt March	2
Thoms Millet,	2	Mr. Wiggins	2
Jno Wentworth,	2	Mr. Knight	2
Mr. Lovewell, plate	1	Mr. Thomas	2
Thoms Bell	2		

I have also Recd two sheets of Meshech Weare wch he never Delivered to any of the members I also return two setts I did not deliver to his Majesty's Council, there was also one sett delivered to his Excellency & one sett to the Treasurer not yet Returned to me. I also now offer sundry counterfeits left with me by Edward Scott Esq. to be burnt.

[p. 64] I also offer three sheets of the small plate of the Crown Point bills Issued in 1755, being surplus sheets not to be signed & pray that the same may be recd & burnt, & that I may be discharged of the above particulars.

Submitted by Theodore Atkinson, Secy.

Being read,

Voted, That the same be accepted & that the blank sheets & Counterfeit bills be burnt to ashes & that the Blank sheets yet out be Immediately called in to the Secys office.

Sent up by Mr. Lovewell, with a Messa to desire some of the Council would come down & see the aforesaid Bills & sheets burnt. [Concurred.]

The Honble Richd Wibird, Esq. came down & saw them burnt to ashes.

[p. 65.] P. M.

Province of New Hampr } Jany 31st 1760.

It being represented that a Question had arose in practice upon the Law relating to appeals in Civil action from Justices of ye Peace to the Inferiour Courts of Common Pleas, whether the Judgmt there ought not to be final in such cases, or whether either party might appeal from the Judgmt of the said Court in any such case to the Superiour Court of Judicature, and therefore moved, That by a Resolve of ye Legislature it might be Determined on wch part of this Question the Law relative to this matter ought to be taken & understood, to remove all ground of Doubt & Dispute concerning the same hereafter:—which question having been (with the Law on which it arises) duly considered it is

Resolved, & hereby Determined, and therefore

Voted, That in such case above mentioned no appeal from the Judgmt of the Inferiour Court thereon ought to be granted to the Superiour Court as aforesaid, & that the Laws concerning the same are to be so understood & explained.

Signed by the Speaker & sent up by Mr. Lovewell. [Concurred by the Council.]

Saturday Feby 2^{d} 1760.

[p. 66.] The Committee's acc^{t} for Drawing Sterl^{g} Bills (Brot in yesterday) was again read & the Committee appointed to examine the same their Report thereon (wch is as follows) amounting to Twenty one thousand & thirty pounds 11*s* 7*d* which was read, and is as follows: (£2130 : 11 : 7. Sterl^{g}.)

Province of New Hamp^{r} } Portsmouth Jany 31, 1760.

We being a Comittee appointed by the Genl Assembly pr vote of the 18th Inst. to examine the Acc^{t} & Vouchers of the Comittee for drawing Ster^{g} Bills on the agent of this Province at the Court of Great Britain have carefully examined the acc^{t} of the Honble Theodore Atkinson, Esq. chairman of said Comittee for the year 1754 and as far as Jany 22^{d} 1760 & find the same well vouched & Right cast & that the same is equal on both sides & no Ballance due to or from said Comittee.

Danl Warner
Mark H. Wentworth
Tom^{s} W^{k} Waldron } Committee.
Matthew Thornton
And^{w} Clarkson,

Voted That the above acc^{t} & Report be accepted, allowed, & that the s^{d} Comittee be Discharged from the Respective sums therein charged against them. Sent up by Capt. Bell. [Concurred.]

Mr. Sec^{y} Brot Down the high way Act & said that his Excell^{y} would not assent to any Act about highways Except there was provision in it Relative to the high way to his house, and then he should be willing to pass any act the house might think proper, concerning high ways.

The Honble Jos. Newmarch Esq. Brot down a Letter from his Excell^{y} T. Pownell to his Excellency Benning Wentworth, Esq.(1) & the petition of Susannah Johnson therein mentioned praying an allow^{a} for Expences & charges while in Canada a captive.(a)

(a) Jour. C. & Assem. Feb. 2, 1760. The petition of Susanah Johnson, wid^{o} setting forth the difficultys & Expences of her familys captivity & praying some relieff &c & that Schulier now demanded of her the redemption money of her children &c. read & recommended & sent down.

[p. 69.] Wednesday Feby 6th 1760.

The petition of Susannah Johnson being read praying for a sum of money to pay Col^{o} Peter Schuyler & Jo. H *Lydius?* for money advanced by them to Redeem one of her children, being captive in Can^{a} & pay of Expences &c.

(1) This letter not found.—Ed.

Voted, That there be paid to Susanna Johnson or her order out of the money in the Treasury Forty one pounds sterl^{g} for the use in said petition mentioned. Sent up by Mr. Loveweil. [Concurred.]

[P. 74.] February 8th 1760.

Whereas the Genl Assembly have prepared a Bill for Raising of eight hundred men Including officers for the service of the present year to assist in the total Reduction of Canada,

Voted, That if the said Bill shall pass all the Branches, the following Incouragement be allowed, given & granted for the more speedy Levying & Raising s^{d} men, viz. That there be given & paid a Bounty of six pounds fifteen shillings sterl^{g} to each able bodied effective private & non-commissioned officer who shall voluntarily Inlist s^{d} service before ye 15th day of March next—be paid as follows, viz. Thirty shillings sterl^{g} at the time of Inlisting & the remainder at their passing muster, that each man Receive one Blanket when they begin their march, that ye Establishm^{t} for [P. 75.] wages for officers & soldiers be the same as last year, That ye officers enter into pay at the date of their Inlisting orders, & that they be accountable for any money they may pay to any non effective men that the wages of the privates begin at the time of their passing muster, That each man be allowed six pence pr day for billeting from the time of ye muster till their Receiving the King's Provisions, That an Exact Return be made Imediately after the muster & that each Capt. Lodge an attested copy of his muster, & Billeting Roll in the Sec^{ys} office before he marches, & also that no hired man be Intitled to the Bounty.

Sent up by Capt. Bell & Mr. Knight.(a) [Concurred.]

[Votes, Acc^{ts}, bills &c. passed by the House and concurred by the Council.]

(a) Jour. C. & Assm. Jany 29 to Feb. 14, 1760. Wm. French sergeant, in Capt. Swett's Comp^{a}, 1758, allowed £1 : 12 : 6 Sterling.

Capt. Bell's muster Roll for Fort Wm. & Mary, £1599 : 0 : 7½ new Tenor. Also for work in s^{d} fort, £366 : 4 : 6 new Tenor.

John Logan, a soldier, 1758, for a gun & back pay £1 : 7 sterl^{g}.

Saml Richardson, a sick soldier, for Doctor's bill, 17s 6d new Tenor.

Doct. Samuel Brick for attending sick soldiers £10 : 11 : 1 sterl^{g}.

On Petition of Thos McMaster & Joseph Schoby, granted a hearing.

Also on petition of Benja. Jenkins, granted a hearing.

Gov. Wentworth to receive part of his Salary, £585 : 18 : 9 new Tenor. Also Secretary Atkinson, for one year's service, £250 new Tenor.

Muster Rolls, passed, for last year's Expedition under Genl Amherst.

Of Capt. Nehemiah Lovewell, and Billeting	86 men	£663 : 4 : 5¾ 40 : 12	Sterl^{g}
Of Capt. Jacob Bayly	105 men, with billeting	899 : 4 : ¾	Sterl^{g}
Of Capt. Jeremiah Marston, balance,	82 men, with billeting	594 : 6 : 4⅝	Sterl^{g}

Of Capt. Ephrm Berry,	99 men, with billeting	811 : 13 : 2¼	Sterlg
Of Capt. Phillip Johnson,	100 men, with billeting	756 : 8 : 7½	Sterlg
Of Capt. Caleb Clark,	65 men, with billeting	560 : 1 : 1	Sterlg
Of Capt. Alexander Todd,	88 men, with billeting	737 : 11 : 3¾	Sterlg
Of Capt. Saml Folsum,	98 men, with billeting	730 : 0 : 4⅝	Sterlg
Col. Lovewell's Staff Roll	8 men,	381 : 15 : 9	Sterlg
Col Hart's billeting Roll for Regiments home from Albany,		175 : 16 : 1	Sterlg

NOTE.—See Muster Rolls in Adj. Gen. Rep. Vol. II, 1866, pp. 213-234.—ED.

Saturday Feby 16th 1760.

[p. 80.] Voted, That Colo Clemt March Esq. & Jona. Lovewell Esq. be a Comittee to wait on his Excellency & Inform him (as the Rolls are all passed) that if it was agreeable to his Excellency, the house would be glad there was a more salutary way provided for paying off the Muster Rolls last year, & if agreeable to his Excellency that there might be such suitable person or persons as his Excelly shall think proper appointed to assist the Treasurer therein, that the soldiers might not be kept longer out of their money.

[p. 81.] Tuesday, Feby 19th, 1760.

The Honble Theodore Atkinson Esq. Came Down & Informed the house, that his Excely in answer to the house verball Messa to him the 16tn Instant, ordered him to inform the house, that he thought 'twould be the most salutary way to let all the Capts. receive the Bala due to ye men mentioned in his Roll, giving security for the same to the Treasury, Excepting Capt. Johnson & Capt. Berry's Roll & they be paid off by the Treasury, & that each Capt. that receives such money to pay off his Compa shall, before he's Intitled to receive any wages due to him, or for any stopages he may have made on his Roll for himself or sutlers, shall produce to the Treasury each man's particular Recd for his Ballance & be agreeable to his Ballance & the sum he received from the Treasurer.

Adjourned.

[p. 82.] Wednesday Feby 20th 1760, p. m.

Whereas by the votes of the General Assembly the Treasurr is to pay off the muster Rolls for the last Campaign & pay to each man his order or Legal Representative, their respective Ballances &c. & Whereas his Excellency the Governor has been pleased to

Recommend it as expedient for his Majesty's service & ye benefit of the men in the present situation of affairs to employ some of ye Captains to pay off their respective Rolls:

Voted That his Excellency be desired to order such of the Captains as he may think proper to receive the money granted out of the Treasury and forthwith pay off their respective Rolls giving proper security to the Treasurer for their faithful performance thereof, That ye Treasurer be Impowered to deduct out of the Ballances any Legal orders with him & then give an exact list of the Ballance remaining due to each man to the Captain who is hereby empowered to pay them off agreeable to the vote on the Roll, the Ballance due to minors or servants to their parents or masters, that he take proper discharges from the men & Return the same into the Treasury on the Rec^t of which the Treasurer may deliver up the security Rec^d as above, That the Ballances due to the Comission officers be stoped in the Treasury till they have settled their acc^ts agreeable to the votes on the Roll, That the Captains take proper care to stop the half pay of fifty-four shillings sterl^g from any hired men who by mistake Rec^d it & that they be Impowered to Require an oath of such men to be administered by any Justice of Peace of the Province & Return the same into the Treasury again, & that each Captain be allowed Twenty shillings sterl^g for his trouble in paying of his Roll, the vote on s^d Roll notwithstanding. Sent up by Mr. Morrell. [Concurred.]

Thursday Feby 21th 1760.

[p. 84.] The Bill for granting Liberty to the Town of Portsm^o to raise six hundred pounds sterl^g by way of Lottery to pave their streets having been read three times, & to be in force three years & no longer for raising the money by said Lottery,

Voted That it pass to be enacted. P. Gilman, Sp. pro. temp.

Sent up by Messrs Waldron & Bell.

The Bill for granting Liberty to the Town of New Castle to raise four hundred pounds sterling by way of Lottery, to enable them to Repair their highways & Bridge in said Town & to be in force for three years & no longer for Raising the money by said Lottery, being read three times,

Voted that it pass to be Enacted. P. G. Speaker, P. tem.

Sent up by Messrs Bell & Waldron.

The Bill for granting to the Town of Dover Liberty to Raise Two Thousand pounds new Tenor by way of Lottery to Rebuild their Great Bridge over Cocheco River, & to be in force for three years & no longer, for Raising the money by said Lottery, having been read three times,

Voted That it pass to be Enacted. P. G. Speaker, P. tem.

Sent up by Messrs Bell & Waldron. Adjourned.

Friday, Feb 22d. 1760, P. M.

[P. 85.] The Bill for granting to Stratham & New Market Liberty to Raise Four thousand pounds new Tenor by way of Lottery for [building a Bridge over Exeter river so called from Stratham to New Market] & render such restrictions as is therein mentioned having been read three times

Voted that it pass to be Enacted, (1) P. G. Spr. P. Tem.

Sent up by Mr. Lovewell. Adjourned.

Saturday Feby 23, 1760.

Whereas by the change of Circumstances of several Places that heretofore have paid Province tax, & whereas since the last proportion Sundry places not therein mentioned should bear proportion thereof, in order to an Equal paymt of the Province Tax, therefore,

Voted, That the Selectmen or the major part of them by selves or others by ym thereto appointed at the charge of the Town, Parish or District whereto they respectively belong, shall take Exact Inventorys of the Ratable Estate of all Towns Parishes & Districts hereafter mentioned, viz.

[P. 86.] Portsmouth	Windham	Bedford
Greenland	Stratham	Bow
Hampton	New Castle	Canterbury
Hampton Falls	Rye	Derry-field
North Hampton	Dunstable	Contoocook
South Hampton	Chester	Starkstown (2)
Kensington	Rochester	New Boston
Dover	Nottingham	Goffstown
Sumersworth	Nottingham Wt	Pembroke
Durham	Litchfield	Amherst
Newington	Barrington	Lindsborough
Exeter	Gosport	Hopkinton
New Market	Salem	No. 2. (3)
Epping	Pelham	New Ipswich
Brentwood	Newtown	*Wolf?*
Kingston	Plastow	Swanzey }
East Kingston	Hampstead	Keene }
Londonderry	Hollis	Winchester
	Merrimack	Hinsdale
	Munson	Walpole
		Charlestown
		Chesterfield
		Westmoreland
		Epsom.

(1) It does not appear from the Journal of C. & Assem. that the above bills, for Lotteries, were concurred.—Ed.
(2) Now Dunbarton.
(3) Dublin, or Monadnock, No. 2.

Which Inventory shall be taken in the month of March next in the manner following, namely, of all Ratable Polls from sixteen years old & upwards. of all Indian, negro, Molatto slave male and female above sixteen years old, of the number of Dwelling houses Improved land, viz. arable orchard meadow & pasture, (pasture land so much as will summer a cow to be accounted four acres) of the number of acres of each sort & kind, of all Horses, mares & colts Distinguishing the diference of years from one to four years old, of all oxen, cows & young cattle Distinguishing the diference of years as above express'd of all mills & of the yearly rent thereof in the Judgm^t of the said selectmen or those whom they may or shall appoint to take said Inventory, yearly Repairs being deducted, & that the selectmen or others appointed thereto be under oath for the faithfull & Impartial taking of said Inventory to be administered by any Justice of peace within this province, & that the selectmen render their acc^t thereof into the Sec^ys office at or before the Tenth day of April next & that the Sec^y send a copy of this vote when compleated unto the Selectmen of each Town, Parish & District as above mentioned at the Province charge, & further, Voted, That the Selectmen of the oldest adjoyning town to any town parish or District where no selectmen are, shall take Inventory of such town parish or District & Return the same as above Expressed, for which they shall be paid by the Province.

Sent up by Mr. Wiggen. [Concurred.]

Adjourned.

[p. 87.] Tuesday Feby 26th 1760, p. m.

Whereas the vote on the several Muster Rolls for ye year 1759, is, that no Col^o Captain or Commissioned officers whatever mentioned in or on said Rolls should receive any wages or Stopage in or on said Rolls made for themselves or sutlers so far as relates ye Province till they have settled their respective acc^ts with the Committee of War, & Whereas the said votes makes provision for their Rec^g the same afterwards, Therefore

[p. 88.] Voted, That the Treasurer pay to the Several Col^o, Captains, & other officers whose wages & stopages are stopt by said vote their respective Balances & stopages, or so much thereof as shall appear due on Receiving a Certificate from said Comittee of their having so settled & adjusted accts with them, and further Voted That where there is stopages made for any sutler or sutlers on any of the said Rolls, & no other stopages in said column but theirs, that the Treasurer pay the same to them Imediately. Sent up by Mr. Morrell. [Concurred.]

Mr. Sec^y came down with the following Papers, viz.

The Act for raising Eight hundred men passed the 8th Instant; the act relating Lumber & Gaging Cask passed the 8th Instant,

The Vote for his Excell's more ample & hon^{ble} support Passed the 6th Instant, The Roll for the Staff officers passed the 12th Instant—All which was concurred by the Council—& Delivered the following Verball Mess^{a}, viz. and said he had it in command from his Excellency to inform the house (waving all former & usual objections against acts of this sort) that it was contrary to his Instructions to sign any act unless ye preamble of the Act mentioned all things contained in said Act to be done by virtue thereof, & this did not & read it Viz. "An act for Raising 800 able bodied effective men officers included to be Employed against the French his Majesty's Enemies," & said that his Excellency thought 'twould be proper to add to the preamble.—& for Emitting ye sum of £15,000 Sterl^{g} & for laying a Tax on the Polls & Estates of ye Inhabitants of this Province for sinking the same—All wch was agreeable to & was in the Body of the act, & that 'twas contrary to act of Parliam^{t} for any Paper moneys made in the Collonys to Run for more than five years & this as it stood makes it six years, for wch Reason he cannot sign it as it stands, & added that if the house thought proper to have it copied over, that there might be a place left Larger for the Seal, & said that was all he had to command on that head. As to the Lumber Act he had in command from his Excellency to Inform the house that he had nothing against passing it, if the house should think 'twas a salutary one, & Recommended that he thought 'twould be best to make it a Tempore Act, & if it should be found so after Experience 'twould be easy to Revive it by a short act, But if it Passed as it was 'twould not be Repealed, which was all he had in charge on that head; & as to the Act itself 'twas of such a publick nature & his Excell^{y} thought 'twould be Best that it should be printed that every body might have knowledge thereof. And as to the vote Relating the Governor's more Honble & ample support, his Excellency thought 'twas not Equal to the grant first made him, for 'twas too well known (altho' the Exchange of Governm^{t} had put dollars at £5 : 12 : 6) that if he wanted to buy Dollars he could not unless he give six pounds old Tenor a piece &c, & desired that the house [p. 89.] would take ye matter under consideration & make him some further allowance thereon. As to the Staff Roll, said his Excellency observed that the Clerk the Col^{o} had put in s^{d} Roll was struck out by the house, that such an officer was necessary for the Regm^{t} & was presedental & has been always allowed when applyed for by former officers, & that he thought 'twas reasonable he should be made up in said Roll, & added that he had conferred with the Council Relating s^{d} Acts & Votes, & they were satisfied & Content that the house should make any alteration in said Acts & votes they should think proper, their votes thereon notwithstanding. Likewise said that most of the Acts and votes passed this Session was concurred by the Council & passed by his Excellency, Except the Lottery Acts & votes that was carried down last Sat-

urday & the Reason was that his Excellency had not time to Examine them thoroughly in order to pass them, & withdrew.

Whereas the Laws of this Province Require that every Town in this Province provide a set of Weights & measures for a standard for such Town and to be proved & sealed by the Treasurer of this Province, & the Treasurer not being furnished with weights, measures, scales & Beam tryed & proved as the Law directs in that case & for want thereof sundry persons use weights & measures contrary to Law by which means those who purchase suffer loss, therefore,

Voted that the Committee appointed to Draw Bills on the Agent of this Province examine what weights & measures this Province have, & that they send to said agent to purchase such as is wanting & have y^m proved according to Law, on the Province charge.

Sent up by Mr. Lovewell. [Concurred.]

[p. 99.] Wednesday Feby 27th 1760.

The Lumber act alter'd (made for three years only.) Sent up by Mr. Lovewell. [Concurred.]

The Bill for raising 800 men for this year's Campaign was amended in the following manner, viz. added to the preamble, & "for Emitting £15000 sterl^g & Laying a Tax on the Polls & Es-"tates of the Inhabitants to sink the same," & instead of ye money to be Brot in commencing 1764, it was made 1763.

Sent up by Mr. Morrell.

The vote for his Excellencys more Honble and ample support, being under consideration the house returned it to the Council with this Mess^a, That they adheard to their former vote & could not make any alterations.

Sent up by Jno Knight Jun. Esq.

[p. 91–93.] Tuesday March 4th 1760.

Mr. Sec^y came down & said he was directed by his Excell^y to Inform the house that there was no provision in the act, nor any of the votes for ye first m^o pay to be adv^a to the soldiers & desired y^t a vote might be passed agreeable therefor, & as soon as that was done he had orders to adjourn the house a fortnight.

Whereas the Act for Raising & Paying Eight hundred able bodied effective men for the Campaign for the year 1760 has not made provision for the first month's pay to be advanced to the

officers, non-commissioned officers & soldiers, & whereas the vote that passed this house Feby 9th 1760 for Establishing & settling the wages for the present year has likewise taken no notice thereof, therefore,

Voted, That each officer & soldier Receive one months pay advance before they march agreeable to said vote. Sent up by Major Smith. [Concurred.]

[p. 94.] Mr. Sec^{y} came down & said his Excellency adjourned the Genl Assembly to Tuesday the 18th Instant & said accordingly, In his Majesty's name they were adjourned.(a)

[Votes, Acc^{ts}, Bills, &c. passed by the House & concurred by the Council.]

(a) Jour. C. & Assem. Feby 14th to March 4, 1760. Committee for signing £8000, paid £32 : 8 : 11, and discharged.

Act for regulating measuring of Lumber passed.

Thomas Packer, Esq. muster master, allowed £15, sterling.

Ichabod Shaw to poll off from Kingston to Sandown.

A Bill on petition of Saml Webster & Annis Campbell and others for a new Parish in Kingston, passed.

Bill for preventing cattle & horses grazing on common lands in certain towns passed.

Bill for swearing Town officers where there is no Justice of Peace resident past, passed.

Capt. Jona. Lovewell, for copying muster Rolls, allowed £4, sterling.

Acc^{t} of Committee for Copying & Examining muster Rolls, allowed £9 : 10, sterling.

Saml Fifield, a soldier in Col. Meserve's Reg^{t} 1756, allowed £9, new Tenor.

Doctor Nathl Sargent for attendance on soldiers & laborers at fort William & Mary, allowed £42 : 11 : 5 new Tenor.

Capt. Gilman & Waldron acc^{t} as agents at Albany 1756 allowed ——

Acc^{t} of Richard Greely, allowed for Expresses, £13 : 14 : 6 new Tenor.

Acc^{t} of Doctor Hale, for tending Dudley Hardy, a soldier, 1756, allowed £6 : 10 : 6 new Tenor.

[p. 95.] Tuesday the 18th March 1760.

Met according to adjournment [and adjourned till]

Tuesday, March 25th 1760.

Mr. Sec^{y} Bro^{t} Down his Excell^{ys} Mess^{a} to the house of this Date.

Governor's Message.

[Copied from MS. Gov^{rs} Mess^{a}, Vol. III, p. 137.]

Mr. Speaker and
Gentlemen of the Assembly.

I found it necessary to adjourn you a week Longer, that I might with more precision lay before you the deficiency in the Levys for raising the Eight hundred men destined for the Reduction of Montreal & all other

posts the enemy are possessed of in Canada—but the delay made by the Committee in placing a sufficient sum in the Treasury seasonably for that service will occasion much later returns than I expected.

The Inlisting Officers justly complain that they have expended considerable sums of money in raising men for this & the other Expeditions, and since it is not only reasonable but just that this Expence should be defrayed by the public, I shall hope you will make an Equitable provision therefor.

I think it my duty, in obedience to his Majesty's Commands, to remind you of the little attention you have given to his Majestys Instruction relative to the settling a Salary on the Chief Justice & other Justices of his Majes y's Superiour Court of Judicature. Your resolves I must assure you will be esteemed evasive, rather than complying in the lest degree with his Majesty's gracious Intention, and altho' some Gentlemen may think lightly of the solemnity of this Instruction, yet you may be assured, a non-complyance therewith will be a more serious thing than you can conceive of, when it shall be considered of in another place.

B. WENTWORTH.

Council Chamber in
Portsmouth, 25th March
1760.

Wednesday, March 26, 1760.

Voted, That there be allowed each Recruiting officer two shillings sterlg for each effective soldier by them Inlisted that passes Muster, for the present Expedition & paid out of money in the Treasury for sd Expedition. Sent up by Capt Nason. [Concurred.]

[p. 96.] Wednesday March 27th 1760. P. M.

Mr. Secy Brot down his Excellency Govr Pownals Letter Dated Boston March 20th 1760, to his Excelly B. Wentworth Recomengs to this Governmt charity for the sufferers in the late fire at Boston(1) & the petition of Committee from Chicester, Both which was read.

[p. 98.] Fryday, March 28th 1760.

Whereas the Secy yesterday bro't into the house his Excellency Governour Pownalls Letter of the 24th Instant to His Excellency the Govr Desireing him to recommend it to the people under his

(1) "The 20th of March, 1760, will be a day memorable for the most terrible fire that has happened in this town or perhaps in any other part of North America, far exceeding that of the second of October, 1711, till now termed the Great Fire." By this fire 349 dwelling-houses, stores and shops were consumed; and above 1000 people were left without a habitation. The amount of property destroyed was at first supposed to be 300,000 pounds; but in the votes of the General Court upon the occasion, it is said the loss upon a moderate computation could not be less than 100,000 pounds sterling. See *Drake's History of Boston*, 1856, pp. 649-652.—ED.

Governor Pownall's Letter has not been found.—ED.

Governm^{t} to assist in Relieving the Distress brot on Two hundred & Twenty Families by a late fire in Boston, Therefore,

Voted That his Excellency the Governour be & hereby is desired to send briefs throughout the Province recommending their unhappy case & Requesting in the several Congregations a General Contribution for their speedy Relief & also that the money so collected may be remitted to the Honble Theodore Atkinson & Henry Sherburne Esq. & by them Immediately sent to the selectmen & overseers of the poor of s^{d} Boston, for the Relief of said sufferers as they shall think fit.(1) Sent up by Mr. Stevens.

P. M.

On taking under consideration that part of his Excel^{ys} mess^{a} of the 25th Inst. Relative to settling Sallery on ye hon^{ble} Justices of the Sup^{r} Court of s^{d} Province & on having Recourse to our minutes we find a vote passed relative thereto the 12th of Octob^{r} last, which vote still appearing Equitably calculated for settling the same Honorably on said Justices, therefore

Voted, That the said vote of ye 12th of Octob^{r} last & every part thereof be revived & in full force & that the Comittee be Imediately Desired to prepare a bill accordingly on his Excellencys assenting thereto. *Never sent up.*

[p. 109.] April 1st 1760, Tuesday, p. m.

Whereas his Excellency was pleased in his speech of ye 30th of November 1758 to say as follows, viz.

"It is matter of complaint of the Chief Justice & other Jus "tices of his Majesty's Supreme Court of Judicature that they have "not a competency allowed them to support the Dignity of that "Court the consideration whereof I have laid before a former as- "sembly, but as no provision was then made for their support, the "Chief Justice Resigned, Likewise the other Justices, upon which "I foresaw that many & Great Inconveniences must arise upon that "Courts falling, in order to prevent so great an Evil to the Gov- "ernm^{t}, with much difficulty I prevailed on ye Chief Justice to "continue in ye Court some time longer, which he consented to, "& the other Justices followed him, upon which you may observe "ye continuance of the Courts is not owing to the General As- "sembly, but to my care and watchfulness;"—&

[p. 101.] Whereas upon a Review of the Journal of the two preceding Assemblys we found they were willing to give Salary to the

(1) Liberal contributions were made in different parts of the Country from Pennsylvania, New York, and from England. Rev. George Whitefield collected and sent over £250. Dr. Holmes in his *Annals*, says the "collective donations amounted to £17,-750:15:8."—Ed.

Justice of the Superiour Court when the Province was divided into Counties, wch being agreeable to our own sentiments, we make choice of a Committee which was ioyned by one from the Honble Board, & they reported that it was advisable the Province should be divided into three Counties; on which the House chose a Comittee to be joyned by the Honble Board to make Report where it would be best the Dividing lines of s^d Countys should be fixed &c. but by Prorogation in May last that Comittee ceases: — and

Whereas his Excellency in his Mess^a of the 10th of Octob^r last & Likewise in his Mess^a of the 25th ultimo, is urgent for a Salary for said Justices & it appearing to us, that we cannot with justice charge our constituants with such salary till the Province is divided into three countys agreeable to the Report of ye Comittee of both Houses the twenty fourth Day of Jany 1759,

Therefore, That the same may be speedily finished & all matter of complaint on one side or grievance on the other cease,

Voted That ye Province be divided into three Countys & that Portsm^o, Dover, Hampton, New Castle, Gosport, Rye, Stratham, North Hampton, Hampton Falls, Kensington, Greenland, Newington, Durham, Sommersworth, Rochester, Barrington & Barnstead with all the Lands to the Eastward of Barrington & Barnstead west side Lines be One County, That Portsm^o be the shire Town, that one Inferiour Court of Common Pleas & one Court of Genl Quarter Sessions for the Peace be held in June annually at Hampton & one Inferiour Court of Common Pleas & one Court of Genl Quarter Sessions for the peace be held in Sep^t annually at Dover & that all the other Courts to be held in said County be held at said Portsm^o.

[p. 102.] That Exeter, South Hampton, Newton, Kingston, East Kingston, Chester, Londonderry, Hampstead, Plastow, Salem, Pelham, Windham, Bow, Derryfield & Epsom, with all Towns & places not before mentioned on the east side of Merrimack River, except Nottingham west & Litchfield be one County, That Exeter be the shire Town, That two Inferiour Courts of Common Pleas & two Courts of Genl Quarter Sessions for the Peace be held at Chester annually, & all the other courts to be held in said County be held at said Exeter.

That Nottingham West & Litchfield with all Towns & places, part of Bow Excepted, on the west side of Merrimack River be one County & that Dunstable be the shire Town & that all the Courts to be held in said County be held at Dunstable till further order of the General Assembly.

That there be held yearly in each County four Inferiour Courts of Common pleas, & four Courts of General Quarter Sessions of the Peace, two Superiour Courts of Judicature, Court of Assize & Genl Goal Delivery in each of the Lower Countys & one in the

upper County under such Regulations as shall be agreed on by the General Assembly.

That there be one Court of Probate for wills &c. & one Register of Deeds in the shire Town of each County & that Peter Gilman, Jon^a Lovewell Esqs. & Capt Thom^s W^k Waldron be a Committee of this House to joyn with such as shall be appointed by the Honble Board to draw a Bill accordingly: and

Further Voted, That after said Bill was passed into a Law, during the continuance thereof, that there be paid annually out of the Province Treasury to the Justices of the Superiour Court as Salary the sum of one hundred pounds sterl^g or the value thereof in Bills of Credit;—to the Chief Justice, forty pounds thereof & Twenty pounds to each of the three other Justices of said Court, & that the same be paid by his Excellencys warrant with the advice of his Majesty's Council. Sent up by Mr. Wiggin.(a) Adjourned.

(a) Mr. Wiggin from the house brot a vote of the House of this day for Dividing the Province into three Countys &c. read. *Journ. C. & Assem.*

[P. 104.] Thursday, April 3^d 1760.

Mr. Sec^y came down and informed the house that he was directed by his Excellency, to adjourn the General Assembly to Tuesday the 6th day of May next to 10 of the clock before noon & said accordingly In his Majesty's name they were adjourned.

Tuesday May 6th 1760.

Met and adjourned, till

Tuesday May 13th. P. M.

Voted, That the Treasurer send out his Warrant for collecting the Province Tax for the current year which may be paid in species agreeable to the prices fixed & sett to the following Merch^s articles of the Produce of this Province, viz.

Barr Iron	(New Tenor)	£3:	:	pr Hundred
Well dressed hemp		0:	1:0	pr pound
Indian Corn			6:	pr Bushel
Rye			6:	pr ditto
Peas			10:	pr ditto
Winter Wheat		1:	0:	pr ditto
[p. 105.] Barley		0:	10:	pr ditto
Pork		0:	0:7	pr pound
Beef		0:	0:5½	pr ditto
Flax		0:	1:	pr ditto
Beeswax		0:	3:6	pr ditto
Bayberry wax		0:	2:6	pr ditto
Tanned Sole leather			3:	pr ditto
Tallow			1:	pr ditto
Winter & Spring Codfish		1:	10:	pr Quintall
Pitch		3:		pr Barrell
Tar		2:		pr ditto
Turpentine		3:		pr ditto
White pine Joyst		4:		pr thousand
White pine Boards		5:		pr Ditto
White Oak two Inch plank		15:		pr Ditto

Sent up by Mr. Morrell. [Concurred.]

The Sec^y came down & Brot his Excellencys Mess^a of this date to the General Assembly, which was read & after sundry debates thereon Mr. Speaker adjourned.(a)

(a) Jour. C. & Assm. May 13th p. m. His Excellency sent by the Sec^y a Mess^a in writing to the House acquainting them that Genl Amherst had sent Capt. Small to conduct the regiment raised here to Charlestown and to pay the 4*d* Billeting with the arrears to the Soldiers, but that as they were to pass thro' an unsettled country 'twas necessary Provision should be delivered them & desired the Treasurer might be enabled to purchase Provisions for that end; also mentioned a suitable grant for carrying on the new works at Fort Wm & Mary &c. And also that Provision might be made for the Payment of his Sallary heretofore paid out of the Interest of the £25,000 Loan, and also the settling Sallarys upon the Justices of the Superiour Court agreeable to the King's Instructions.(1)

Wednesday May 14th 1760.

His Excelly^s Mess^a was again resumed.

Whereas his Excellency the Governor by his Mess^a of the 13th Instant is pleased to inform the house that by the Rout wch the General has ordered the New Hampshire Regim^t, it is absolutely necessary that sixteen Barrells of Pork & about five Thousand weight of Bread be purchased,

Voted, That his Excellency be desired to give his orders to the Comittee appointed by act of Governm^t for providing stores &c. Imediately to procure the same & cause it to be transported to such place as his Excell^y may think proper to order the same, with [p. 106,] the other stores provided for the use of the Regiment.

(1) The full message of the Governor has not been found.—Ed.

P. M.

[p. 107.] Voted, That the Honble Hen^{y} Sherburne, Col. Peter Gilman, Clem^{t} March, Esq. & Capt. Thom^{s} W^{k} Waldron be a Committee of this House to prepare an answer to Excelly^{s} message to this house of the 13th Instant & lay the same before the the Genl Assembly as soon as may be. Adjourned.

[p. 109.] Thursday May 15th, 1760.

Mr. Sec^{y} brought down his Letter of the 14th Inst. directed to him, & Mrs. Sarah Mitchell's Letter to his Excell^{y}(1) praying an allowance for Plans drawed by her late husband Geo. Mitchell, Esq. Deceased & was read & considered on, &

Voted That no allowance be made thereon.

The Bill for granting to his most Excellent Majesty the sum of fifteen thousand pounds new Ten^{r} for the end & purposes therein mentioned, being read three times,

Voted, That it pass to be enacted. P. G., Sp^{r}. P. T.

Sent up by Capt. Richardson. [Concurred & passed by Council.]

[p. 110.] Fryday May 16th 1760.

The petition relative to fishing on Amusskeege falls, against, again Resumed, and

Resolved, That the prayer thereof be so far granted as that no person shall be on the Rocks at Amusskeege falls from sunsett Saturday evening untill Monday next at noon. One evidence to convict them before a Justice of the Peace & his determina-
[p. 111.] tion to be final, that all obstructions on the Rivers & Brooks therein mentioned be so far Removed that the fish may have free course to the heads thereof, that no sceens be used in said Rivers only on Monday, Wednesday & Fryday, & further

Resolved, That no manner of art or Instrument shall be used to destroy, take or stop any of the young Salmon or shad in said Rivers or Brooks on the penaltys in a Bill for that purpose prepared by the petitioners accordingly.

Sent up by Capt. Nason.(a)

(a) Jour. C. & Assm. May 16, 1760. Mr. Nason from the House bro't up the petition of Andrew Todd Esq. & others Com^{tee} of the town of Londonderry relative to Fishing at Amoskeag &c. as Entered the 10th of Jany last, and vote of the house thereon granting the prayer thereof, & the Petitioners Liberty to bring in a Bill accordingly. Read & Concurred.

(1) Neither of these letters can now be found.—Ed.

NOTE.

[The following is a Copy of the above said Petition,—which being of general interest is here inserted.—ED.]

[Copied from "Towns," Vol. IV. p. 231, in Secy's office.]

To his Excellency Benning Wentworth, Esq. Captain General, Governor & Commander-in-Chief in & over his Majestys Province of New Hampshire, the Honourable his Majesty's Council & House of Representatives in General Assembly convened:

The Petition of the subscribers a Committee Chosen at a Legal Town meeting Holden in Londonderry & Province aforesd & others Inhabitants of Neighhboring Towns, hereby shews:

That the Petitioners apprehend the Publick Interest makes it Necessary to make a Law to regulate the following Articles, viz.

First—Whereas in Merrymac River in the Town of Derryfield & Province aforesaid there is certain Rocks known by the name of Amuskeeg Falls, at which place every spring there is great numbers of Salmon & Shad fish, which we believe every Inhabitant in the Province aforesd has an equal right to, But particular men Takes what they call possession of all the convenient places to catch said fish & either by themselves or agents prevents all others from catching & those possession men sells, at what price, & when, & to whome they please, which makes Disturbances & Disorders too many to be here Enumerated.

Secondly—The Rivers & Brooks That emtys in Merrymac River are so filled with Mills & Dams, That the passage of the fish is intirely obstructed & the Inhabitants (especially the poorer sort) greatly Injured.

Thirdly—Fishing every Day with Scenes in Merrymac River prevents the Increase & in time may Turn the corse of the fish from the River, Wherefore your Petitioners humbly pray--

First—That every Inhabitant in the Province aforesd, if they please to go to the abovsd falls may fish their Turn & Enjoy their right peaceably.

Secondly. That every Impediment on any River or Brook as abovesd may be removed, at the expence of the Builder of sd Impediment so that the fish may have free corse for the heads of sd Rivers & Brooks.

Thirdly,—That no persons be allowed to fish more than three days in the week with Scenes in Merrymac River, within the Province aforesd In case Massachusetts Bay makes the same Law or otherwise, in any or all of the abovesd articles, as in your great wisdom you judge most for the Publick Good.

Your Petitioners As in Duty bound will ever pray.

Andr Todd
Samuel Barr
Matthew Thornton.

Londonderry December 22d, 1759.

Chester.	*Bedford.*	*Windham.*
Ebenr Flagg	Francis Barnett	William Smile } Select-men.
John Webster	John Little	John Davidson } Select-men.
Saml Emerson	John Wallace	Joseph Park } Select-men.
Samuel Hills	James Little	
	William Holmes	
	William Barnett	
	Hugh Riddel	
	Matthew Little	
	John Quig	
	James Lyons	
	John McAllister	
	James Patterson	
	James Kenedy	
	Robert Walker	
	John Bell, junr.	
	Samuel Patten.	

NOTE.—[In July 13th 1764, A Counter Petition to the above proceedings was presented, very numerously signed by persons from Londonderry, Chester, Derryfield, Bedford, Goffestown, Starkstown, Pembrook, Pennycook, &c. See "Towns" Vol. IV. p. 235.—ED.]

A large Committee of the house went to New Castle this forenoon, to view, examine, Inquire Search into & know the state, circumstances & Condition of Fort Wm. & Mary, that a grant thereby for sd post may be the better made according to his Excellency's recommendation.

[p. 112.] The Honble Theodore Atkinson Esq. Brot Down his Excellency's messa of this day for the house Relative to paying the soldiers two pence pr Day before they march which was read.

Governor's Message.

[Copied from MS. Govrs Messa, Vol. III, p. 139.]

Mr. Speaker &
Gentlemen of the Assembly—

It has been Represented to me that when there is a demand on the Treasury to pay off the two pences allowed, there will be a deficiency for that service which may greatly Impede the regiment so I make no doubt but that you will enquire into this matter, and make the necessary provision therefor if there should be occasion.

B. WENTWORTH.

Council Chamber
in Portsmouth, May
16th 1760.

The petition of Col. John Goffe Esq. praying that the officers wages for the Regimt might be Augmented &c. being read, the house took the same under consideration immediately and—

Voted, No further allowance be made said officers, and it was put to vote whether the petition should be dismissed & it passed in the affirmative. Adjourned.

Saturday, May 17th, 1760.

Whereas his Excellency in his Messa of yesterday afternoon has been pleased to Inform this house, "It has been Represented to "me that when there is a Demand on ye Treasury to pay off the "two pences allowed, there will be a deficiency for that service [p. 113.] "which may greatly Impede the Regimt, so I make no "doubt but that you will Enquire into this matter & make the "necessary provision therefor, if there should be occasion"—Therefore

Voted, That should there be any deficiency in the Treasury for paying off the two pences as above mentioned that it be made up by money in the hands of the Committee of war. Sent up by Mr. Wiggen. [Concurred.]

That part of his Excellys Messa of the 13th Instant Relative to Fort Wm & Mary, was again resumed, and after the Debates thereon the house came to the following Resolve, viz.

Resolvd, that the Determination thereof be put of until the state of the Treasury is fully known to this house, that they thereby may be the better Enabled to judge what may be a sufficient or an adequate grant therefor, & be agreeable to their constituants Interest.

Mr. Secretary came down & Informed the house yt his Excellency orderęd him to adjourn the Genl Assembly to Tuesday the first Day of July next & said accordingly in his Majesty's name they were adjourned. (a)

[Votes, accts, Bills &c, passed by the House and concurred by Council.]

(a) Journ. of C. & Assem. from March 18 to May 17, 1760, John Kimball, Saml Webb, Blake Lock & Jere Page soldiers, each allowed 54*s* sterling.

Doct. Eliphalet Hale, for medicine to sick soldiers, 1757, allowed £2 : 16, sterling.

Doct. Josiah Gilman for do. do. 1757–1759, allowed £1 : 10 : 2, Sterling.

Doct. Jona Gilman, for do. do. 1759, allowed £1 : 8 : 10 sterling.

2*s* pr man allowed to enlisting officers.

David Emerson, (1) allowed 54*s* sterlg.

Doct. Josiah Gilman, for attending Wm. Gilman a sick soldier 8*s* sterlg.

Levi Spaulding for taking care of sick soldiers, £1 : 8 : 10 sterlg.

Committee authorized to draw Bills of Exchange, for supply of the Treasury, £900 sterlg

Amos Seavy, allowed for wood, £47 new Tenor

Hon. Jos. Newmarch for printing the £800 sterling, allowed £19 : 15, sterlg.

Committee to farm the Excise, appointed.

Major Saml. Moor's petition about stoping his wages &c granted.

The Treasurer authorized to settle with or sue debtors to the Province.

Benja Jones petition about a Deed his mother made to Abigail Jones, granted.

His Excellys salary pd' in part £585 :18 :9, new Tenor.

(1) In Journal of C. & Assem. this name is *Conner*.

Rev. Samuel Haven, chaplain, £12 new Tenor.
Rev. Samuel Langdon, chaplain £12 new Tenor.
Matthew Livermore, Esq. Attorney Genl. £30 new Tenor.
Thomas Packer, Sheriff, £20 new Tenor.
Nathaniel Fellows, doorkeeper, £35 new Tenor.
Doct. Eben^r Fisk for attendance on Wm. Towle, a soldier, £4 : 12 sterl^g.
Eben^r Knowlton for expence of his son Jonathan, in sickness, 32s. sterl^g.
Mrs. Hannah Horney's acc^t allowed £27 : 10 new Tenor.
Bill to supply the Treasury £15.000, passed.
Recorder's acc^t for books, £32 : 18 : 9, allowed.

[p. 114.] Tuesday, July 1st 1760.

Met [and adjourned from time to time, till]

Wednesday, Augt 6th 1760.

Mr. Sec^y came Down & delivered the Speaker his Exc^ellys Mess^a to both houses of this day, wch was read.

Governor's Message.

[Copied from MS. Gov^rs Mess^a Vol. III, p. 143.]

Gentlemen of the Council
& of the Assembly.

The State of the Public accounts has demanded more time than I expected to adjust them, which made it necessary to adjourn you until this day, and from the Com^tee appointed for that service I am informed that an Intire Adjustment of all accounts depending in the Treasury are fully compleated.

You are so well informed of the necessity of transmitting to your agent your Canada accts. that I shall not take up any of your time to explain myself to you on that thing, and shall only add that it is of the highest concern to the Publick that Mr. Thomlinson be properly impowered to receive from the proper officers the grants already made by Parliament to this Government, as well as what may be in future, & that in consideration of the ill state of health he is in, for the public safety it is my advice, that a proper person should be joyned with him in the agency, which may prevent great inconvencys to the Province, in which you may be assured of my ready consent.

B. Wentworth.

Council Chamber in
Portsmouth, August 6, 1760.

[p. 115.] P. M.

The Sec^y, Chairman of the Committee for settling the Treasurer's acc^t for the year 1760 made the following Report, viz.

That agreeable to the vote appointing them to settle the Treasurer's acc^ts & agreeable to the vote in the forenoon, they presented the following Report: viz.

That they had told over & brought into the house of ye 1st Em:	£6849 : 4 : 9	Sterlg
Do. of the second Emission	£3946 : 12 : 3	"
Do. of the third Emission	27 : 15 :	"
Sterling	£10823 : 12 : 0	
Do. for the Crown Point Bills for Tax 1759,	£9000 : 6 : 8¼	
Do. of the Canada & Louisburg money for Tax 1758 & 1759—	6300 :	
Do. of ye Canada money purchased by bills	337 : 6 : 10¼	
Do. of Sterlg Bills of ye 1st Emission never paid out of ye Treasury	£538 : 13	
(Total Sterling)—	£11,362 : 5	
Canada & Louisburg, &c.	£15,637 : 13 : 6½	

282 Sheets Great Plate
502 Do. Small Do. Brought in & Burnt, useless Sheets.

[p. 116.] The said Report being read,

Voted, That the said Report be accepted & that the said Committee be discharged from the several sums therein mentioned, as they are all charged to the Government in the Treasurer's Accts. & sent up for concurrence. [Concurred.]

Thursday, Augt 7th 1760.

Mr. Speaker brought into the house sundry letters of grt Importance from the agent of this Province at the Court of Great Britain—all which was read.(1)

[p. 118.] The Bill Impowering John Thomlinson Esq. agent of this Province at the Court of Great Britain to receive any of his Majesty's Grants (already made or that may hereafter be made by his Majesty's Parliament) to this Province, &c. read the third time.

Voted, That it pass to be Enacted. P. G., Spr P. T.

Sent up by Major Smith. [Concurred & passed by Council.]

Voted, That the Honble Henry Sherburne Esq. Capt. Thoms Wk Waldron & Andrew Clarkson be a Comtee of this house to joyn with such as may be appointed by the Honble Council to prepare in the Recess of the Court the accts of the several years charge of men, provisions, &c. that the Province hath been at in the several Expeditions against Crown Point & Canada from the Beginning of the year 1755 to the End of the year 1760 & that [p. 119.] they be by them transmitted to John Thomlinson Esq. of London Immediately with such advice or Instructions as shall be thought proper to send therewith by ye Legislature. Sent up by Mr. Smith. [No action taken by the Council.]

(1) The said Letters have not been found.—Ed.

Fryday August the 8th 1760.

Mr. Secy came down & Said he was directed by his Excellency to Inform the house that he had prorogued the General Assembly to Tuesday the Eighteenth Day of November next 10 o'clock before noon & then to meet at this place & said accordingly in his Majestys name the General Assembly was prorogued.(a)

[Votes, Accts, Bills &c. passed by the House and concurred by the Council.]

(a) Jour. C. & Assm. from May 18th to August 7th 1760. Petition of Rev. Jera Fogg guardian, to sell land for the education of Danl Fogg a minor,—liberty to bring in a Bill.

Wm. Moore and his Son William, allowed £100 old Tenor, discount on bond, &c.

Allowed Committee on settling Treasurer's acct. £192.

Committee for drawing sterling bills allowd, & Comtee discharged.

Tuesday, November 18th 1760.

Met [and were prorogued and adjourned from time to time till]

[p. 120.] Tuesday Jany 20th 1761.(a)

(a) Jour. C. & Assm. Jany 20th 1761.

Present his Excellency the Governor,

Theodore Atkinson	Esqs.	Daniel Warner
Richd Wibird		Jos: Newmarch
Jno. Downing		M. H. Wentworth
Sampn Sheaffe		James Nevin

His Excellency acquainted the Council that he had received authentick accts of the Death of his late Majesty King George the Second of Blessed & Glorious memory, and that the High & mighty Prince George, Prince of Wales, to whom the Crown of right descended, had been proclaimed King of Great Britain &c. And that he had rec'd his Majesty's order for proclaiming the same here & then ordered that the same should be immediately done in the Council Chamber, his Excellency & his Majesty's Council Present, as were also a great number of the principall Inhabitants of the Province, the Militia both Horse & foot being under arms, when his Excellency ordered the Secretary to read the several Proclamations; then his Excellency & the Council &c. &c. took the oaths appointed by Act of Parliament instead of the oaths of allegiance & supremacy.

Then the Secretary by his Excellency's order gave notice that a Sermon on the above occasion would be preached in Queen's Chapel on the morrow, when 'twas expected all persons would appear in mourning Proper for the occasion.

P. M.

The Speaker being indisposed, the house made choice of Eleaz^r Russell Esq. Speaker pro Tempore.

Mr. Sec^y, the Honble Richard Wibird & the Honble Jos: Newmarch came from Council board & presented the Speaker pro Tempore with King George the third's Proclamation for his being proclaimed the Right & Lawful heir to the Crown of Great Brittain, with Mr. Sec^y Pitts Letter to his Excellency Inform^s thereof &c. All which was read, & at the same time Requested of the members present this afternoon to take the oaths of allegiance to [p. 121.] King George the Third as their Rightfull Lord & Sovering (1) &c, wch all the members present being nineteen in number did & signed in presence of the Board, as aforesaid, who was sent down for that purpose, & then Retired.

Mr. Sec^y soon after Brot Down his Excellency's speech to both Houses of this date & left it with the speaker which was Immediately read a copy of which is on file.

Governor's Message.

[Copied from MS. Gov^rs Mess^a Vol. III. p. 145.]

Gentlemen of the Council and of the Assembly.

I sincerely congratulate you on the various and signal successes, with which it hath pleased the Almighty to bless his late Majesty's arms both by sea and land, in the course of the last year. I congratulate you allso on the Happy accession of his present Majesty King George the third, to the Imperial Crown of Great Brittain & the dominions thereto belonging.

May that universal Joy & Satisfaction that appeared in the Nation on that great occasion be happy presages of a long and glorious reign.

I cannot omit at this time condoleing with you on the sudden & unexpected death of his late Majesty George the Second, whose glorious and successfull reign must forever endear his name to all his faithful subjects, none of which have had a greater share of his fatherly concern than his American subjects; by the conquest of the whole Country of Canada only we his subjects in North America are most effectually secured against the encroachments of the French, and the unheard of Barbaritys of the Indian Enemy.

Gentlemen of the Assembly.

It being more Immediately your Province to make provision for the growing charge of the Government, I shall depend on your making early provision therefor, in all its branches, that the honor of the Government may be duly supported. Among other things I must remind you of granting a competent Salary for the Chief Justice and other Justices of his Majesty's Superiour Court of Judicature, in obedience to his late Majesty's additional Instruction, which you have had laid before you, the consequences that may attend your further neglect in a matter which the late King in his most Honourable Privy Council esteemed so essential to the well-being of his Government may be severer than you can conceive.

(1) It is a subject of regret that the King's Proclamation and Secretary Pitt's letter cannot now be found.—Ed.

The Treasurer's accounts which have been depending so many years, having been so fully Inspected, that no cause can be meditated to prevent a final adjustment thereof; I shall therefore direct the Treasurer to give the needful assistance herein.

It reflects great dishonor on the Government that the money outstanding in former loans is not collected according to the periods for calling in and sinking the same—one of which has existed ever since the year 1718.

Gentlemen of the Council
& of the Assembly

It will be agreeable to me as well as a great saving to the Government to give all possible dispatch to the public business, and you may depend on my ready assistance to prevent delays of every kind that may obstruct it.

B. Wentworth.

Council Chamber in
Portsmouth, January the 27th, 1761.

The house having taken under consideration his Excellency's speech to both houses of this Date, Imediately

Voted, That the Honble Henry Sherburne, Esq. Col^o. Clem^t March & Col^o Jos. Smith Esq. be a Committee of this house to prepare an answer to his Excellency's speech to both houses of this date & lay the same before the house for their approbation, as soon as may be. Adjourned.

Wednesday, Jany 28th, 1761.

Whereas by the change of circumstances ot several places y^t heretofore have paid Province Tax & whereas since the last proportion sundry places not therein mentioned should bear proportion thereof in order to an Equal payment of the Province Tax, Therefore,

Voted, That the selectmen or the major part of them by them- [p. 122.] selves or others by them thereto appointed, at the charge of the Town, parish or District whereto they respectively belong shall take exact Inventorys of the Ratable Estate of all Town, parish & districts hereafter mentioned: viz.

Portsmouth	Windham	Bedford
Greenland	Stratham	Bow
Hampton	New Castle	Canterbury
Hampton Falls	Rye	Derryfield
North Hampton	Dunstable	Contoocook
South Hampton	Chester	Starkstown
Kensington	Rochester	New Boston
Dover	Nottingham	Goffstown
Summersworth	Nottingham West	Pembrook
Durham	Litchfield	Amherst
Newington	Barrington	Lindsborough
Exeter	Gosport	Hopkinton

Newmarket	Salem	No. 2. (1)
Epping	Pelham	New Ipswich
Brintwood	Newtown	*Wolf ?*
Kingston	Plastow	Swansey
East Kingston	Hamstead	Keen
Londonderry	Hollis	Winchester
Sandown	Merrimack	Hinsdal
Hawk	Monson	Walpole
	Chesterfield	Charlestown.
	Westmoreland	
	Epsom.	

Which Inventory shall be taken in the month of March next in the manner following namely, of all Ratable Polls from sixteen years old & upwards, of all Indian Negro & Molatto Slave male & female above sixteen years old, of the number of Dwelling houses, improved Land, viz. Arable, orchard, meadow & pasture (pasture land so much as will summer a Cow to be accounted four acres) of the number of acres of each sort & kind, of all horses, mares and colts distinguishing the Difference of years from one to four years old, of all oxen, Cows & young cattle Distinguishing the Difference of years as above Expressed, of all mills & of the yearly rent thereof in the Judgm^t of the said selectmen or those whom they may or shall appoint to take said Inventory, yearly repairs being deducted, & that the Selectmen or others appointed thereto be under oath for the faithfull & Impartial taking of said Inventory, to be administered by any Justice of peace within this Province, & that the selectmen render their acc^t thereof into the Sec^y office at or before the Tenth day of April next & that the Sec^y send a copy of this vote when compleated unto the selectmen of each Town, Parish & District as above mentioned at the Province charge, & further, *Voted*, That the selectmen of the oldest adjoyning Town to any Town, parish or District where no selectmen are, shall take Inventory of such Town, Parish or District & Returne the same as above expressed for which they shall be paid by the Province. Sent up by Major Smith.

P. M.

[P. 123.] The petition of Joseph Austin, Thomas Tuttle & Saml Austin being Quakers, for & on behalf of themselves & the Rest of their Brethren Quakers by order of their monthly meeting held at Cochecho in Dover the 18th Day of the tenth month 1760, being read,

Ordered, That the petitioners be heard thereon the 5th Day of Feby next & that they cause the chief Officer of the Regim^t, the selectmen of Summersworth & the selectmen of Dover, to be served with a copy of this petition & this order of Court thereon (at their own cost & charge) that they or any of them may appear & shew cause, if any they have why the prayer thereof should not be granted.(a) Sent up by Deacon Tuck.

(1) Probably, Dublin.—ED.

(a) Jour. C. & Assm. Jany. 28 1761. The Petition of Joseph Austin Thomas Tuttle & Saml Austin of Dover in behalf of sundry persons called Quakers setting forth that those people were burthened with a Tax to hire soldiers into the service &c. & Praying for reasons assigned to be relieved. Read & sent down.

[p. 125.] Fryday, Jany 30th 1761, p. m.

The Committee for preparing an answer to his Excellency's speech to both houses of the 27th Inst. Brot into the House the following answer.

May it please your Excellency—

We his Majesty's loyal & dutifull subjects the Representatives of this Province of New Hampshire in General Assembly conven'd sincerely thank your Excell^y for your Speech of the 27th Inst. & beg leave in our turn with hearts glowing with gratitude to congratulate your Excell^y on the important successes which it hath pleas'd Divine Providence to crown his Majesty's arms with in all parts of the world, & more especially in North America, the conquest of Canada only is indeed an event so important to his Majesty, to Great Britain & all the North American Colonies that it calls for our highest acclamations of praise and thankfullness.

[p. 126.] With greatfull hearts full of joy we also congratulate your Excellency on the Happy accession of his present Majesty King George the third to the Imperial Crown of Great Britain &c. which set so long & so gloriously on the illustrious head of his Royal predecessor, & our most ardent prayers are That his Reign may be long & prosperous & that there may be a continued series of Protestant Princes proceeding from his Royal Person to sway the British Sceptre to the latest Generations.

But duty as well as the most affectionate Regard to the memory of our late most Excellent King George the Second call us off from so delightfull a scene to drop a few tears more with your Excellency over the urn of our dear deceased Sovereign, & what shall we say? When we meditate on the greatness of his mind, his Catholick disposition, his Royal Beneficence, his Piety towards God & his other Innumerable Princely Qualifications, more Especially his affectionate Regard to & Paternal care of his North American subjects, & the great things he has done for us—The flood rises so high that we are forced to quit the mellancolly theme & look Forward to the happy prospect of the glorious Reign of his present Majesty King George the third to alleviate our sorrow! We shall with all possible Dispatch proceed to take under consideration the several matters Recommended by your Excellency & hope that our determinations will be such as may be for the honor of the Government & your Excellency's satisfaction.

The Treasurer's acc^ts this house has always earnestly desired to have settled, hitherto we have had neither occasion, opportunity or inclination to meditate any Excuse to prevent it, & your Excellency may depend upon our utmost endeavours to have them finally adjusted as soon as the Committee has reported thereon. We are obliged to your Excell^y for Recommending Dispatch & assuring us of your ready assistance, & on our part beg leave to assure you that we shall do all in our power to make the sessions short & promote good harmony between the several branches, & that we may the sooner be Enabled to Enter on other affairs, we hope the Muster Rolls of the Forces in the Government service the year past will very speedily be laid before us. S: E. R. S^r. P. T.

Voted That the preceeding be sent to his Excell^{y} in Answer to his Excell^{ys} speech to both houses of ye 27th Inst. Adjourned.

[p. 129.] Wednesday, Feby 4th 1761, p. m.

Capt. Morse sent to Council Board to inform Capt. John Chamberlain, a member of this house & now present, but not qualified to act.

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p. 130.] Thursday, Feby 5th, 1761.

The Honble Theodore Atkinson & Danl Warner Esqr came down & administered to Capt. John Chamberlain, the oaths appointed to be taken &c. & Retired.

[p. 131.] Fryday, Feby 6th 1761.

The Quakers affair again resumed, and

Voted, That the prayer thereof be granted & that the Tax ordered by the Treasurer's warrant to be assessed on the people called Quakers in the Towns of Dover, Durham, Summersworth, Rochester, & Barrington in the year 1760, be remitted & that the same be added to the Province Tax of said Towns for the year 1761, & that Jon^{a} Lovewell, Esq. be a Committee to joyn with such as may be appointed by the Honble Council to prepare a Bill accordingly.(a) Sent up by Capt. Chamberlain.

(a) Journ. C. & Assem. Feb. 6, 1761. Mr. Chamberlain from the house brot up the Petition of Joseph Austin, Thos Tuttle & others in behalf of the Quakers &c. as Entered the 28th Jany last, and vote of the house thereon granting the Prayer thereof & appointing a Com^{tee} to Draw an act &c. & the Party summoned being heard thereon & making no objections the Council concurred the vote of the House thereon for acquitting the Petitioners &c.

Tuesday, Feby 10th, 1761. p. m.

[p. 135.] The Honble Joseph Newmarch, Esq. Brot Down the Bill for regulating Licenced houses & said the Council tho't it too far restrained the privileges & Libertys of mankind, for wch Reasons they could not pass it. Adjourned.

Wednesday Feby 11th, 1761. P. M.

[P. 136.] The petition of James Dudley & Job Kenniston Quakers pray^{g} Release as to the Tax laid on them by the late Quaker Act (living in the Parish of Brintwood) being read,

Voted Jon^{a} Lovewell, Esq. immediately go to the Treasurer & Inform him that the House orders him to stay any Extent against the Constable or Collector of the Parrish of Brintwood for that part of their Province Tax Relative to the Quaker Act & no further, for the space of two months & no longer, & this order of Court is occasioned by reason of the Small Pox being in said Town, & the Assembly not allowing a hearing to said petition by reason of said Distemper.

Sent up by Capt. John Chamberlain.

Voted, to proceed to the choice of a Recorder, and

Voted, That Daniel Pierce Esq. be & hereby is appointed Recorder of Deeds & Conveyances of lands for this Province for the space of one year from the 22^{d} ultimo, & untill the third Day of [P. 137.] the next sitting of the General Assembly after the expiration of the said Term, &c. [on the usual conditions.]

Sent up by Capt. Nason. [Concurred.]

Thursday Feby 12th, 1761.

Anno Regni Georgii Regis Tertii Primo.

Province of New Hampshire.

In the house of Representatives, Feby 12th 1761.

Whereas Sundry Inhabitants of Londonderry in said Province [P. 138.] have represented that a Highway was laid out in said Town in or about the year 1746, thro' the farm of one Joseph Boyes near the line thereof but being a great Inconvenience to him the Selectmen laid out a new highway thro' said Farm in the year 1748 as convenient for the Public & less Detrimental to the said Boyes, but some Persons insisted on keeping both open which was no advantage to the public & a great Prejudice to him and thereupon moving that the first of said ways might be disallowed & the other Established.

Therefore it is Resolved & Determined & accordingly

Voted, That the laying out said highway first above mentioned be & hereby is Declared to be utterly null & void & all Returns & Records & every Entry & other writings relative to the same is hereby vacated & cancelled & the Property & Right to the Land on which said way run be and Remain as tho' said way had never been laid out & that the other of said highways be Ratified, confirmed & Established & held firm & valid as a Legal Highway to all intents & Purposes.

Sent up by Mr. Stevens. [Concurred.]

Whereas it has pleased his most excellent Majesty by his Royal Proclamation to Declare it to be his fixed Intention & Resolution to suppress & Discountenance all vice & Immorality, to encourage & advance by all proper methods the Practice of Religion & virtue, and in Pursuance thereof has commanded all Persons in trust & Power & who have any weight & Influence within his Kingdoms & the Dominion thereof to exert themselves in their respective stations for that Purpose, sensible of the Blessing of such Declaration & Example & of our obligations, as well as the general advantage which must result from the obedience & Immitation thereof & in consideration that the first step to a public & General Reformation must be ye Restrain^g & Regulating all houses of Publick Entertainm^t & Diversions and preventing the occasions & temptations to Immorality, Therefore

Voted, That an act be passed to lay a further Restraint on all Tavern keepers, Inholders, Retailers, Common Victuallers & other houses of Publick resort & Entertainment, from allowing any Irregularities, Disorders & unreasonable Diversions & within their respective Limits whatsoever has a tendency thereto ; to Incourage & promote the practice of Religion & virtue & to Enforce the better observation of the Lords Day or Christian Sabbath & to prevent the profanation thereof, and that the Honble H^y Sherburne Esq. Jon^a Lovewell Esq. & Capt. Jno Wentworth be a Committee of this house to joyn with such as may be appointed by the Honble Council to prepare a Bill accordingly.

Sent up by Capt. Richardson. [Concurred.]

P. M.

[p. 139.] The petition of Major John Gilman praying an allowance for his negro being captivated & kept two years & Eleven months, being read

Voted, That there be allowed to Major Jno Gilman in full for said petition, Eighty pounds new Tenor & paid to him or his order out of money in the Treasury & charge to the Expedition acc^t for 1757. (a) Sent up by Mr. Morrell.

(a) Jour. C. & Assem. Feby 13, 1761, Mr. Morrell from the House bro't up the Petition of Mjr John Gilman setting forth that he had a slave in the year 1757 who was taken captive at the surrender of Fort William Henry & Retained in captivity till the total reduction of Canada &c. praying the consideration of the Legislature in making him some allowance, and a vote of the House thereon for his receiving £80 N. Ten^r, read and concurred.

Fryday Feby 13th, 1761, P. M.

[P. 141.] That part of his Excell^{ys} speech to both Houses at the opening this Sessions relative to the Chief Justices Salary taken under consideration, and said by yeas & Nays, save three unanimusly that they would not give any sallary to the Chief Justices under the present situation of the Governm^{t}, but that if the Province might be divided into two Counties as seems his Excellency is not against that then they are willing to give Sallary to the Justices, &c. &

[P. 142.] Voted that Capt. Thom^{s} W^{k} Waldron, Matthew Thornton & Jona. Lovewell, Esqs be a Comittee of this house to prepare a vote agreeable thereto for dividing the Province into two Counties & for a Sallary for the Chief Justices of the Sup^{r} Court & lay the same before the Genl Assembly as soon as may be.

The Petition of Obadiah Johnson & Abram Dow being read, ordered, That the Petitioners be heard thereon next Friday & that they cause the Selectmen of Kensington and Hampton falls so called as well as their Respective Constables or Collectors in each Parish to be served with a Coppy of said Petition & this order of Court thereon that they or any of them may appear & show cause if any they have why the Prayer thereof should not be granted. (a) Sent up by Deacon Tuck. [Concurred.]

(a) Jour. C. &. Assm. Feby 13th 1761. The Petition of Ebenezer Johnson & Abraham Dow, Quakers, for themselves & others of that persuasion at Kensington & Hampton falls, showing that they tho't themselves agrieved at the Execution of the Law obleiging Quakers to pay a Tax to the War &c. & praying relieff, read & sent down.

Saturday, Feby 14th 1761.

[P. 143] This forenoon spent chiefly in Debates on the Committees acc^{ts} for Building the State house & Col^{o} Warner the Chairman of said Comittee being admitted into the house, was desired to inform the house the Reasons why the Sundry articles therein charged were so high, & chiefly at a Retail price &c.

Who informed the house they were charged at the price he gave for them as to what he bought, & as to what he supply'd was charged at the price he sold them to every other person & that he was upwards of £5000 Old Tenor in ad^{v} for the Government near two years, & that if the Province was to allow him Interest for that money 'twould am^{o} to a considerable sum & then retired. Adjourned.

Fryday, Feby 20th 1761, P. M.

[P. 147.] The Quaker Petition heard in forenoon resumed this afternoon, and

Voted by a great majority, that it be Dismissed.(a)

[Votes, acc^{ts}, bills, &c. passed by the house & concurred by the Council.]

(a) Jour. C. & Assem. from Jany 20th to Feb. 20, 1761. Josiah Miles petition relative to a Gore of land in or near Canterbury, granted.

Petition of Danl Doe praying an allowance for his son in sickness, 1756, allowed £29 : 2 : 6 new Tenor.

Sarah & Simon Marston's petition relative to a lot of land in Bow, granted.

Obediah Tibbetts of Rochester, petition to exchange land, allowed to bring in a bill.

Theo. Atkinson, to deliver over to the Comittee of war bills of Exchange &c. Also Com^{tee} on Muster Rolls appointed.

Bills past to be Enacted—In favor of Obediah Tibbetts; To prevent disputes about certain lands in Durham; To make the owners of Mills &c. at Salmon falls a Propriety.

Allowed George Barns, a soldier captivated in 1756, and carried to St. Francis, three years, £172 new Ten^{r}.

Col^{o} Joseph Blanchard's acc^{t} to be reviewed.

Allowed Wm. Forsaith a soldier captivated in 1759, £18 : 2 Sterling.

Acc^{t} of Com^{tee} for impressing £7000, allowed £18 : 6 Ster^{g}

Danl Pierce recorder, allowed acc^{t} for Books &c. £131 : 5 old Ten^{r}

John Burns, a soldier 1759, allowed £7 : 10 sterl^{g}

Peter Knowlton, a soldier 1759, allowed £7 : 10 sterl^{g}.

Peter Wheeler a soldier, 1759, allowed £9 : 15 sterl^{g}.

Thomas Packer's acc^{t} for paying Bounty's to Coll. Goffs Regiment £16 : 15 : 7 sterl^{g}.

Joseph Jackson of Boston, guardian to Dorcas & Mary March, granted petition to sell lands of s^{d} minors lying in Greenland N. H.

John Johnson of North Hampton, allowed £41, old Ten^{r} for money burnt up with his dwelling house.

Selectmen of Holden, Mass. re-imburst the charge of taking care of four sick soldiers, belonging to this Province, £24 : 6 sterling.

Allowed acc^{t} of Committee for purchasing stores, £279 : 10 : 5, sterling.

The following Bills passed both houses: An act to enable Joseph Jackson to sell certain lands therein mentioned: An act to enable the Proprietors of Chichester to enforce the payment of arrearages of Taxes &c.; An act enabling & directing a partition of certain lands in Hampton falls owned in common by Benjamin & Sarah Eaton.

Tuesday, Feby 24th 1761. P. M.

[P. 150.] Col^{o} Peter Gilman Esq. being desired by the house to wait on the Honble Henry Sherburne, Esq. Speaker of this house in order to prepare a vote Relative to mak^{g} a new Emission of sterl^{g} money in order to pay off the forces in the Campaign last year, as the £15000 sterl^{g} made for that service proves to be vastly insig-

nificant for paying of said Forces & lay the same before the House as soon as may be. Who immediately attended. Adjourned.

Thursday, Feby 26th 1761.

[p. 152.] On a motion being made for the house to prepare an Address in behalf of this Governm^{t} to his Majesty—

Voted That the Honble Henry Sherburne Esq. Peter Gilman & Clem^{t} March Esqs. be a Committee of this house to prepare said address & lay the same before the house for their approbation.

[p. 153.] The Treasurer's accompts under consideration, and Committees Report thereon appointed to examine them being read, & is as follows, viz.

Province of New Hampshire } Portsmouth, Feby 25th 1761.

We being a Committee appointed by the General Assembly to examine the Treasurer's acc^{ts} have accordingly examined the accompts of George Jaffrey Esq. Treasurer of s^{d} Province, for the years one thousand seven hundred and fifty-five, six, seven, eight, nine & part 1760, so far up as the 5th day of Augt last wherein he makes a Ballance due to the province of fifty nine pounds, Eighteen shillings & Eleven pence half penny sterling & of twelve thousand & seven pounds fifteen shillings & Eleven pence half penny new Tenor, & find the same right cast & well vouched, Except as follows, viz. That he renders outstand^{g} on James Stoodley's Bond for Excise for the year 1759, one hundred & fifty pounds new Tenor, also outstand^{g} of the Province Tax in several years four thousand seven hundred & three pounds eleven pence new Ten^{r}, & that he charges Commissions on the several accompts seven hundred & sixteen pounds ten shillings & two pence half penny ster^{lg} & Eight thousand one hund^{d} forty four pounds one shilling & half penny new Ten^{r} which is humbly submitted. N. B. He charges four hundred & forty seven pounds ten shillings sterling paid for Quakers in 1759,—The Province Tax & the Excise for the year 1760 is not accounted for—

Theodore Atkinson
Richd Wibird
M. H. Wentworth
Henry Sherburne
Peter Gilman
A. Clarkson
} Committee.

Province of New Hamp^{r} } In the House of Representatives, Feby 26th 1761. The above Report of the Committee appointed to Examine the Treasurer's Accounts being read,

Voted & Resolved, That the said Treasurer debt himself with the said sum said to be outstanding & if not already collected that he Immediately do his utmost to collect the same or be accountable therefor, That he also debt himself with said articles of Commission which being done it is further Voted, That the said Treasurer be allowed five hundred pounds new Tenor pr year for all his service as Treasurer for five years six months & Eight Days from the

last settlem^t & to the fifth day of Augt last, & he is hereby Impowered to charge the Province therewith & conform his accompts accordingly, which will then stand as follows: viz.

Dr. George Jaffrey, Esq. Treasurer and Receiver General of his Majesty's Revanues in the Province of New Hampshire.

1760. Augt 6th The said accomptant charges himself in the following manner, viz.

	Sterling.	New Tenor.
To the Ball^a of Acc^t rendered 5th Augt 1760	£59 : 18 : 11½	£12007 : 15 : 11½
To the Commissions charged	716 : 10 : 2½	8144 : 1 : ½
To the outstanding debts in several years		4703 : 0 : 11
To outstanding on James Stoodley's Bond for Excise for the year 1759		150
Sterling	£776 : 9 : 2	£25004 : 17 : 11

Cr.

1760. Augt 6th The said Accomptant discharges himself in the following manner, viz.

	Sterling.	New Tenor.
By my allowance as Treasurer made me by the General Assembly pr the above vote from Jany 28th 1755 to the fifth day of August 1760, which is five years six months & eight days, at five hundred pounds New Tenor pr year wch amounts to - - - -		£2761 : 8
By Ballance due to the Province from said Treasurer	£776 : 9 : 2	22243 : 9 : 11
Sterling	£776 : 9 : 2	25004 : 17 : 11

And further Voted & Resolved that the Treasurer Imediately conform his accompts agreeable to this State of the accompts & carry the Ballances due of seven hundred and seventy six pounds nine shillings and two pence sterl^g & of Twenty two thousand two hundred & forty three Pounds nine shillings & Eleven pence new Tenor to the Credit of the Province in his next accompt which commences the sixth day of August last 1760.

A. Clarkson Clerk.

Sent up by Thomas Bell, Esq. Capt. Abel Morse & Deacon Jon^a Tuck. (a)

(a) Jour. C. & Assem. Feb. 26, 1761. Capt. Bell from the House brot up the Treasurer's Acc^t for the years 1755, 1756, 1757, 1758, 1759, & part of the year 1760 with the Comittee's of Audits Report thereon, & adjusting the articles of Commissions therein charged.

[P. 155] Fryday, Feby 27th 1761.

The Committees Acc^t for building the State House with the Report of the Committee for Examining the same thereon, being read

Voted, That the Report be accepted and that the Ballance of said acc^{t} being twelve hundred seventy three pounds three shillings & one farthing new Tenor be paid said Committee out of money in the Treasury for contingencies. £1273 : 0 : 0¼. Sent up by John Knight, Esq.

P. M.

Mr. Gidding sent to Council Board to Inquire If the Bill for granting to his most Excellent Majesty £5000 sterl^{g} past yesterday was concurred by the Council.

The Honble Danl Warner & Joseph Newmarch Esq. came down with said Act & said, That in the body of the Act it did not Express the Sum to be granted unto his Majesty wch it ought to & likewise that there was no certain fund, only on his Majesty's grace for Reimbursem^{t}, & for these Reasons the Council could not [p. 156.] pass it as it stood. Voted That Col^{o} Peter Gilman & Capt. Thomas W^{k} Waldron wait on the Honble Henry Sherburne Esq. Speaker of this House & consult the best method to be taken relative to s^{d} Bill. Adjourned.

Tuesday March 3^{d}, 1761, p. m.

[p. 157.] The Bill for granting unto his most excellent Majesty the sum of five thousand pounds sterl^{g} with the amendm^{t} for paying of the Troops for the year 1760 read a third time.

Voted that it pass to be Enacted. E. R. S. P. T. [Concurred.]

Wednesday March 4th 1761.

The Bill for preventing a Tax of £4000 sterl^{g} on the polls & Estates &c, & for Laying on £1000 sterl^{g} on the year 1762 being part of the £17000 sterl^{g} to be Emitted pr Act of Governm^{t}, read a third time,

Voted that it pass to be Enacted. [Concurred.]

Friday, March 6th 1761.

[p. 159.] The Honble Joseph Newmarch Esq. Brot down ye petition of Doct. Niel Lamont pray leave to have Liberty to build a pest house for Enoculation &c. at his own charge being read,

Voted, That it be Dismissed.

[P. 160.] The Act for granting to his most Excellent Majesty the sum of £5000 sterl^{g} for paying of the Forces in the last years Expedition, not yet being assented to by the Governor, & all the Rolls for said Expedition being now & for some Days past ready to pass the house, are now forced to be kept back till the said act be assented to, which the house were told this day, would not be till next Monday.

Saturday March 7th 1761.

The act for granting to his most Excellent Majesty the sum of £5000 sterl^{g} for paying of the Forces in ye last Campaign, not being assented to by his Excellency, the Rolls could not go up this forenoon.

Tuesday March 10th, 1761. P. M.

The Honble Theodore Atkinson Esq. came down with the Act for granting £5000 sterl^{g} to his Majesty to pay of the Troops for the last Campaign & said that his Excellency thot it not convenient to have any Committee for drawing Bills in it to sink s^{d} money, & 'twas time enough when the period came to appoint a Committee then if necessary &c.

[P. 161.] The house Immediately took the matter under consideration, &

Voted That Col^{o} Smith & Col^{o} March Immediately wait on his Excellency & to inform him the House cannot see their way clear to make such alteration, & if they were so disposed they could not do it, unless they sent out for all the members, as there was a very full house when the act past & there were but Just a bare house now & pray his Excellency to pass the act as it now stands.

Wednesday March 11th 1761. P. M.

The house appointed & voted, the Clerk & Mr. Thom^{s} Parker as a Committee of this house to wait on his Excellency in the morning with the Muster Rolls & the money bill for paying of the Forces in the last years campaign & to pray his Excellency to pass the money Bill as it now stands, as the House could not see their way clear to pass it with the alterations proposed.

Thursday March 12th 1761.

[p. 162.] The Committee appointed last evening to wait on his Excellency with the muster Rolls for the last Campaign, for his Inspection &c. & the act for grantg £5000 sterlg for paying the Troops, Returned and Informed the house that his Excellency had examined all the Rolls, & was very well pleased with them, Except that Samuel Hubbert an Ensign in Capt. Lovewell's Company was ordered out by the House, But he should insist on his being made up as such in said Roll, as 'twas agreeable to order & Rule in the King's (Regiment) or Troops, and that he should not pass them unless that was altered, & as to the act he said he could not pass it as it stood but if the house would alter it agreeable to his proposals to strike out the Committee, he should be ready to pass it, but not even then, untill the Rolls were sent up first.

Adjourned till 3 o'clock

P. M.

A Committee for a Conference with the Council appointed this afternoon : but not a sufficient number of the Council at the Board Deferred.

The Bill for granting £5000 sterlg to his Majesty for paying of the Troops not being assented to by his Excellency & no business before the House Except the Muster Rolls, a motion being made & seconded to pass the Muster Rolls & send them to Council Board—on which it was objected against and seconded, but 'twas put round by yeas & nays, Whether the Muster Rolls should be passed & sent up, and it passed in the Negative, 12 to three. Adjourned.

Fryday March 13th 1761.

[p. 163.] The Bill for granting £5000 sterlg for paying of the Troops for the last Campaign Laying before the House for amendmt, the Speaker put it to vote whether the House would make amendmt of said act agreeable to his Excellency's mind & to take the Committee out, &

Voted Unanimously that there be no alteration in said Act, & that it be Immediately sent up to the Board with this Messa. viz: That the House could not see their way clear to make any alteration & to desire his Excellency to pass it as it stands, it being already concurred by the Council.

Sent up by John Knight, jun. Esq.

The Rolls being all ready to send up & have been for more than a week past, but the House will not pass them till the money Bill be assented to or that there be money sufficient in the Treasury for paying them.

The House Intirely awaiting & have been for sundry Days for

the passing said Act, they having no other Business before them than passing the Muster Rolls.

The Honble Theodore Atkinson Esq. came down & said that the Mess^a sent to the Board with the money Bill this forenoon, the Council had maturely considered & Deliberated on, & that the Council were of the same opinion with the House & that they thought it would not Do by any means to alter the money bill from what it was or now stood & so as to the Rolls, but that they were of opinion the Mess^a sent to the Board (not mentioning that the Chair was there) should have been put to his Excellency & not to them, as the minutes for altering said Bill was formed by his Excellency to the House & not to the Council, as the Council had concurred said Bill & still all were of the same opinion, & left the Bill.

The house immediately took the matter under consideration & it being one o'clock, adjourned till 3 o'clock

[P. 164.] P. M.

Voted That Mr. Zebulon Giddings & Major Smith be a Committee to wait on his Excellency to Inform him that the house have maturely & Deliberately considered of & waid his Excellency's minutes for altering the money bill for pay^g of the Forces last year, & are unanimous, that no alteration be made in said Bill & to pray his Excellency to pass it as it now stands, it being agreeable & conformible to all the other acts past for Raising, Levying & paying any Forces Raised by this Governm^t during this last War, & that all the Muster Rolls for the last year's campaign were all Ex^d, finished & ready to pass, & would be Immediately sent up as soon as there was money in the Treasury to pay them.

Saturday, March 15th 1761.

The Committee appointed yesterday to wait on his Excellency with the money Bill & the Mess^a of the House therewith Returned & said that his Excellency told them that if he had intended to have passed the act, he should have done it before, & not have given the house so much trouble.

Fryday, March 20, 1761.

[P. 167.] A motion being made Whether the house would make any alteration in the money bill of £5000 sterl^g for paying of the Troops Imploy'd in this Govenrm^t service last year,

Mr. Speaker pro Tempore put it round by yeas & Nays & the Nays were unanimous.

The Question being put Whether the Rolls should be sent up before the money Bill for paying of the Rolls was assented to by his Excellency, as the House were unanimous therein & the Council concurring therewith, it past in the Negative.

On a motion being made for all the petitions acc^{ts} &c, relative to the small pox, now laying in the House to be taken under consideration, the house immediately Resumed the motion, and

Voted, that the soldiers taken sick with the small pox after they came home, be allowed such a sum or sums as may appear to be Reasonable to the Genl Assembly towards Defraying their Expence in said sickness, provided it be made to appear to this house that they Bro't the Distemper with them either in themselves or cloaths &c. & not else, and

Voted, That no acc^{t} or petition for sick soldiers be allowed or sent up till provision is made for their pay.

P. M.

The Bill (for remitting) or to remit five thousand pounds sterl^{g} granted to his most excellent Majesty in May Sessions, 1759, being part of the seventeen thousand pounds ster^{g} to be Emitted, Twelve thousand sterl^{g} being by said act to be Redeem'd by bills of Exch^{a} & the other five thousand pounds sterl^{g} to be laid on the polls & Estates in this Governm^{t} in the year 1762 & 3, & there being but £13000 sterl^{g} only Emitted of the s^{d} Act for £17000 & for laying on the £1000 sterl^{g} (over & above the twelve thousand) on the polls & Estates in the year 1762, having been read three times,

Voted That it pass to be Enacted. S : E. R. S. P. T.

Sent up by Mr. Little. [Concurred.]

The Honble Theodore Atkinson Esq. came down & proposed to the house to have some alteration on the vote on the Muster Rolls, & to let the Rolls go forward.

[p. 168.] The house immediately took the matter under consideration, &

Voted, That there should be no alteration in the Vote on the Rolls, neither that they be sent up till provision for paying said Rolls be made & in the Treasury.(a)

[Votes, Acc^{ts}, bills &c. passed by the House & concurred by the Council.]

(a) Jour. C. & Assem. from Feby 21st to March 27th 1761.

Petition of Benjamin Swett, a sick soldier, for relief, allowed, 36s ster^{g}.

Bill to enable the Proprietors of Gilmanton to raise & levy Taxes.

Petition of Benj^{a} Stevens, agent for Kingston, in relation to a dispute with Chester about boundary lines, allowed a hearing.

Allowed Daniel Fowle for printing for use of the Province £77 : 15 New Ten^{r}.

Bills passed: viz. Bill allowing Londonderry to have the same number

of licensed houses, as others &c.: Bill to enable Robert Boyes to revive an action at Common law with Jon^a Coleburn.

Bill to authorize Mr. Jeremiah Fogg as guardian to Daniel Fogg his nephew to sell part of his Estate for his support at College.

Vote appointing A. Clarkson to furnish the Council Chamber, &c.

Capt. Thos. Bell's acc^t for supplies at fort Wm. & Mary £1057 : 2 N. Tenor allowed.

An Act authorizing & directing Proprietary meetings: Also an Act to prevent making fires in unsuitable places.

Quaker act passed, remitting, Tax, &c.

Capt. Wm. Cate's petition about highways in Barrington, granted a hearing.

Mr. Sec^y Atkinson allowed £300 N. Tenor for services 1760.

Allowed John & Martha Johnson for money burnt in their house, £14 : 17 : 6 new Tenor.

Fryday March 27th, 1761.

[p. 169–70.] The Sec^y came down & Informed that his Excellency had business of importance to lay before the house, & desired the attendance of all the members next Monday, & that they might all be sent to, & ordered in, & if the members did not chuse to meet at Portsm^o by reason of the Small Pox, 'twould be agreeable to him to adjourn them to the Plains, if the house chose it.

The House took the matter under consideration and

Voted, That if his Excellency think proper to adjourn the General Assembly till next Monday that 'twould be most agreeable to the house to be adjourned to the Plains.

The Clerk sent to Council Board to inform them the mind of the house relative to their being adjourned.

P. M.

[p. 170.] The Sec^y came down, with Sec^y Pitts Letter to the Governor Demand^g more men, being read, (a copy of which is on file.)

Letter of Secretary Wm. Pitt to Gov. Wentworth.

[Copied from MS. Gov^rs Mess^a Vol. III, p. 153.]

Whitehall, Decr 17th, 1760.

Sir—

His Majesty having nothing so much at heart as by the most vigorous prosecution of the War to reduce the enemy to the necessity of accepting a peace on terms of Glory & Advantage to his Majesty's Crown & beneficial in particular to his subjects in America; and as nothing can so effectually contribute to that great & Essential object as the King's being enabled to employ, as immediately as may be such part of the Regular forces in North America as may be adequate to some great & important Enterprise against the Enemy; I am commanded to signify to you the King's pleasure, that in order the better to provide for the full & entire

security of his Majesty's Dominions in North America, & particularly of the possessions of his Majesty's conquest there, during the absence of such part of the Regular Forces, you do forthwith use your utmost Endeavours & Influence with the Council & Assembly of your Province to Induce them to raise, with all possible dispatch within your Government, two thirds of the number of men they raised for the last year's campaign, & forming the same into Regiments, as far as shall be found Convenient, that you do direct them to hold themselves in Readiness & particularly as much earlier than former years as may be, to march to such place or places in North America, as his Majesty's Commander in chief there shall appoint, in order to be Employed there under the supreme command of his Majestys said Commander in chief in America, in such manner as he shall judge most conducive for the King's service: And the better to facilitate this important service the king is pleased to leave it to you to issue Commissions to such Gentlemen of your Province, as you shall judge from their weight & credit with the people & their zeal for the public service, may be best disposed & able to quicken & effectuate the speedy Levying of the greatest number of men; in the disposition of which Commissions I am perswaded you will have nothing in view but the good of the King's service & a due subordination of the whole to his Majesty's Commander in chief; & all officers of the Provincial Forces, as high as Colonels inclusive, are to have rank according to their several respective Commissions, agreeable to the Regulations contained in his late Majesty's Warrants of the 30 of December 1757, which is renewed by his present Majesty.

The King is further pleased to furnish all the men so Raised as above with arms, Ammunition & Tents, as well as to order provisions to be Issued to the same by his Majesty's Commissaries, in the same proportion & manner as is done to the rest of the King's forces; The whole therefore that his Majesty expects & Requires from the several provinces is the Levying, Cloathing & Pay of the men, & on these heads also, that no encouragement may be wanting to this great & salutary service, the King is further most graciously pleased to permit me to acquaint you that strong Recommendations will be made to parliament, in their sessions next year to grant a proper compensation for such expences as above, according as the Active vigour & strenuous efforts of the respective provinces shall justly appear to merit.

It is his Majesty's pleasure that you do, with particular diligence, immediately collect and put into the best condition all the arms issued last Campaign which can be any ways rendered serviceable or that can be found within your Governm^t, in order that the same may be again employed for his Majesty's service.

I am further to inform you that similar orders are sent by this conveyance to Connecticut, Massachusetts Bay, Rhode Island, New York & New Jersey: The Southern Governments are also directed to raise men in the same manner, to be employed in such offensive Operations as the circumstances & situation of the Enemy's posts & the state & Disposition of the Indian Nations, on that side, may point out & require.

It is unnecessary to add anything to animate your Zeal in the Execution of his Majesty's orders in this important conjuncture, which is finally to fix the future safety & welfare of America & of your own province in particular; and the King doubts not from your known fidelity & attachment that you will Imploy yourself with the utmost application & Dispatch in this promising & decisive Crisis.

I am, with great Truth & Regard
Sir, your most obed^t & hum^ble serv^t.
W. Pitt.

Copy from the original Examined
pr A. Clarkson, Clerk of the house of Representatives.

[P. 171.] Wednesday April 1st 1761.

The Secy Brot Down his Excellency's Message to both Houses of the 31st ultimo Relative to Raising men for a new Campaign, wch was read & is on file.

Governor's Message.

[Copied from MS. Govrs Messa Vol. III. p. 151.]

Gentlemen of the Council
& of the Assembly—

His Majestys Commands signified to me by the Right Honble William Pitt, Esqr in his letter of the 17th of December last, which has been communicated to you by the Secretary, are so conclusive, that I hoped at this time I might have been excused from any comment on his Majesty's Requisition on this Province, which is two thirds of the Troops granted for the last Campaign, to be employed by General Amherst in securing the Conquest already made, while his Majestie's Regular troops are engaged in more extensive services.

The men raised for this service are to be provided for at the King's expence in the Same manner as they were the last year, & to be levied, paid & cloathed by the several Provinces, for reimbursing of which expence, his Majesty has given the strongest assurances that proper recommendations will be laid before the Parliament to defray the charge incurred thereby.

When you have duly weighed his Majesty's gracious Intention in the demand he is pleased to make on this Province, I cannot doubt but that you will esteem it your duty & Interest to exert yourselves to the utmost, at this critical conjuncture, & on the most important service.

I must further acquaint you that several of the Regular Regiments are now on their march to New York in order to embark, and as soon as the Provincials can be raised a greater number will be detached for the same service. Therefore it is General Amhersts earnest request, that the men may be raised with the utmost dispatch, and that as soon as the grant is made, he desires that he may be advised thereof by Express for his Government.

B. Wentworth.

Council Chamber in
Portsmouth 31 March 1761.

A motion being made & seconded weither the house would act on this Messa till the money Bill for paying off the old Troops was assented to, the Speaker put it round by yeas & Nays, & it past in the negative unanimously, &

Voted, That the Honble Henry Sherburne, Esq. Colo Peter Gilman Esq. & Capt. Thoms Wk Waldron be a Committee of this house to prepare an answer to his Excellencys Messa of yesterday's date, & lay the same before the house for their approbation—who imediately attended to prepear said answer—Who soon returned with an answer which was read, and

Voted Unanimously that the Clerk now Draft it & that it be sent to his Excellency in answer to his Excellency's Messa Recd this Day of yesterdays Date, which is entered in the afternoon it being after one o'clock.

P. M.

The answer to his Excellency's Message Rec^{d} this Day is as follows, viz.

[P. 172.] Portsmouth, April 1, 1761.

May it please your Excellency—

Your Excellency's Mess^{a} of Yesterday Referring to the Right Honble Sr Wm. Pitts Letter (wch we have had the perusal of) is before us & the house are ready to proceed with cheerfullness to granting a proper proportion of men for the intended service, provided a suitable way under our distressing circumstances can be agreed on to defray the charge; but our Bill for raising Five thousand pounds Sterl^{g} to finish the the paym^{t} of the Forces in the service the last year which passed the house the third day of March & was soon concurred by the Honble Council laying still with your Excellency not assented to, & the poor soldiers thereby kept out of their Just dues; discourages us. We therefore earnestly pray that your Excellency will pass that Bill that the old Forces may be paid off, & then we shall chearfully proceed on the subject matter of your Excellency's Mess^{a} for it will be in vain to attempt raising any more men till those who have already served the government are paid.

Voted, That the preceeding Mess^{a} be sent to his Excellency in Answer to his Excellency's Mess^{a} Rec^{d} this forenoon of yesterday's Date. S. E. R. S., P. T.

Sent by the Clerk to the Sec^{y} who sent it to his Excellency Immediately by Express.

Thursday, April 2^{d} 1761, P. M.

[P. 173.] The Sec^{y} came into the house & Said he was directed by his Excell^{y} to inform the house when the Muster Rolls were past the house & sent up & concurred by Council he was ready to consent to an act for Emitting Five Thousand pounds sterl^{g} for the payment of the Rolls, Provided it came clear & free from any Incumbrances & to be drawn in by a Tax by Christmas 1765.

The above minutes the Sec^{y} saw after minuting & approved of as right, being as he said just as he delivered them.

Voted Unanimously that the following Verball Mess^{a} be sent to his Excellency in Answer to his Verball Mess^{a} of this day by Mr. Sec^{y}. viz.

May it please your Excellency—

As by some means not needfull now to be mentioned the incurred Expence of our Regim^{t} last year Exceeded the provision made last spring, therefore it will be to no purpose to pass the Rolls thereof, till full provision is made for the payment of them, & such has been done on the part of the Assembly & concurred by Council near a month since, & y^{t} too exactly similar with the provision in the act that sett said Regm^{t} forth, Therefore we pray your Excellency will assent to the same & thereby not only Enable the soldiers to Receive their just dues, but give us opportunity Chearfully to enter on ye consideration of your Excellency's Mess^{a} of the 31st of March ultimo, &c.—(This Mess^{a} was never sent.)

[p. 174.] Whereas the Treasurer makes some doubt about receiving Sterl^{g} Bills for the Province Tax &c. Therefore

Voted That the Sterl^{g} Bills of any Emission be Rec^{d} for Province Tax by any of the Constables of said Province as the Committee sold Sterl^{g} Bills in the year 1758, & that the Treasurer Receive s^{d} Bills accordingly of said Constable. Sent up by Jno. Knight, Esq. [Concurred.]

A Bill for Emitting twenty thousand pounds sterl^{g} for paying off the old forces last year & for Raising Levying & Clothing five hundred & thirty four men for the Intended Expedition the present year, Read the first time.

P. M.

[Same bill read a second time]. This afternoon taken up in Conference about s^{d} Act.

Adjourned till tomorrow morning 9 o'clock.

[p. 175.] Saturday, April 4th 1761.

Met according to adjournm^{t}.

Matthew Thornton Esq sent to the Board to desire to withdraw the Bill for granting to his most excellent Majesty the sum of five thousand pounds sterl^{g} for paying off the soldiers &c. in the last year Campaign.

The Honble Theodore Atkinson & Joseph Newmarch Esq. Brot down the Bill for Emitting Five Thousand pounds Sterl^{g} & said that the Board apprehended it was to draft another by, but could not consent to destroy it till one passed the Legislature to answer the same end.

The Bill for Emitting Twenty thousand pounds Sterl^{g} for paying off the Forces in the last Campaign, & for Raising, Clothing & paying Five hundred & thirty four men, officers included, for an Expedition this present year &c. Read a third time.

Voted That it pass to be Enacted. S. H. S. S. Sent up by Col^{o} Smith, Wiggen & Knight.(a)

(a) Jour. C. & Assem. April 8th 1761. The Council by a Mess^{a} recommended sundry Alterations in the Bill sent up for Emitting £20,000 and left s^{d} Bill in the House.

Mr. Bell from the House brot up the Bill for Emitting £20,000 as sent down this Day with the sundry amendments, viz. the words *Governor, Council Assembly* instead of the words *Genl Assembly*, after which it was read at the Board a second time.

Adjourned till 3^{d} p. m. The Council read again the Bill for emitting £20,000 sterling & Past the same to be Enacted.

Thursday April 9, 1761.

[p. 177.] The Honble Theodore Atkinson Esq. came down & d'd the Speaker the Triplicates of all the Acc^ts sent home to the Agent for the Expenses this Government had been at for five years, viz. 1755, 1756, 1757, 1758, & 1759, which the Assembly perused. Adjournd.

[p. 180.] Wednesday, April 15th 1761.

The Sec^y came down & Delivered the Speaker his Excellency's Mess^a to the house of this Date, which is as follows, viz.

[Copied from MS. Gov^rs Mess^a Vol. III, p. 161.]

Mr. Speaker & Gentlemen of the Assembly.

The delay the Rolls have met with in your house, clearly evidences how dangerous it is to the public, and how Injurious to his Majesty's service for the Assembly to Invade the prerogative of the Crown—for had the Rolls passed in the proper Channel, and many other things, a very considerable sum had been saved to the Government.

I would therefore recommend, that you loose no more time, in dispatching the Rolls to the Council board, that they may be laid before me.

The time you have already lost, may be of bad consequence to his Majesty's service, which I would have you esteem worthy your Consideration.

B. Wentworth.

Council Chamber in
Portsm^o, April 15th, 1761.

Voted unanimously That the Honble Henry Sherburne Esq. & Col^o Peter Gilman Esq. be a Committee of this house to prepare an answer to his Excellency's to the House of this Date.

The Speaker on a motion benig made by Mr. Lovewell to send the Rolls forward put it round by yeas & Nays & it past in the Negative, that they should not be sent up untill provision was made for the payment of them.

Adjourned till 3 o'clock,

P. M.

[p. 181.] The Committee appointed in the forenoon to prepare an answer to his Excellency's Mess^a to the house of this Days date, brot the same into the house which was read & is as follows:

May it please your Excellency—

The Rolls have met with no delay in the House, but as soon as they were by your Excellency's order laid before the house were immediately examined & prepared to send up when provision was made for the paym^t of them when they were ready they were sent to your Excellency & ap-

proved of with some small alteration, wch was made, but as there was not money Enough in the Treasury to pay them all off, the house thought it would be quite inconsistent & a dishonour to the Crown to vote money should be paid out of the Treasury when it was not there, and therefore on the 3d day of March past prepared a Bill for the supplying the Treasury with a sufficient sum to answer that End, which Bill was soon concurred by the Honble Council & laid before your Excellency, but your Excellency did not think proper to assent thereto, to wch & that only the delay is intirely owing althº your Excellency must be sensible that in our present distressed circumstances it was the only way we could have Recourse to in order to answer the End.

May it please your Excellency—

The house have always shewed a tender Regard to the prerogative & value themselves upon paying a due deference thereto, & earnestly pray that your Excellency will shew the same tender Regard to the priviledge of his Majesty's most loyall & Dutyfull subjects who have so constantly distinguished themselves by their zealous & most strenuous Efforts to promote his Majesty's service greatly beyond all proportion & their real ability, Especially during the present War, & the new Bill wch passed ye house the 4th day of Apr has been concurred by the Honble Council & now lays with your Excellency for providing money to pay off the Rolls of the Forces Employed the last year & for Raising the full Complement our most gracious Sovereign requires of us for the service of the present year—fully evidences the truth hereof.

We therefore most Earnestly pray that your Excellency will give your assent to the afforesaid Bill & the Rolls will be Imediately sent up, but we cannot so far give up our Reason as to vote money should be paid out of the Treasury before provision is made for placing it there.

[p. 182.] We are truly grieved that our constituants have been put to so much unnecessary charge & that so much time has been lost, but the house has not been in any measure the blamable cause thereof, for as soon as the Rolls were presented without any loss of time a Bill was projected sent up & concurred by the Honble Council to make provision for the payment of them, & when your Excellency was pleased to lay before the house the Honble Sr Wm. Pitts Letter signifying his Majesty's pleasure that this Governmt should raise for his service two thirds of the number of men Raised the last year, the house immediately agreed thereto & a bill was prepared with the utmost dispatch & sent up. These things sufficiently evidence the Industry of the house to promote his Majesty's service & the utmost care to avoid every just occasion of delay.

We therefore pray that your Excellency will have pity on our distressed constituants, Especially the poor soldiers & not continue us any longer in so Expensive a situation & as your Excellency is pleased to say "that "the time already lost may be of bad consequence to his Majestys service," we repeat our Earnest desires that no more time may be lost.

Voted unanimously That the preceeding Messa be sent to his Excellency in answer to his Messa to the house this day.

S. P. G. S. P. T.

Dispatched by the Door keeper by way of Express this afternoon ordered by the Secretary if he met George How the common carrier, in this small pox time, to give it to him & order him to return with it to his Excellency.

The Committee appointed to prepare on Address to his Majesty on the part of this Province to condole with his Majesty on the

death of his late Grandfather of Glorious memory, King George the Second, & his Majesty's accession to the Imperial Crown of Great Britain, presented to the house this afternoon—which was read, &

Voted that it be accepted, approved of & allowed to be sent to our most Gracious Sovereign King George the Third (the vote was unanimous) & is as follows, viz.

ADDRESS TO HIS MAJESTY.

To the King's most Excellent Majesty.

The humble Address of the General Assembly of his Majesty's Province of New Hampshire in New England.

[p. 183.] We, your Majesty's most dutifull & loyal subjects the Representatives of the Province of New Hampshire, in New England, in General Assembly convened, beg leave to lay ourselves at your Royal feet to express the deepest sense of great & severe loss which your Majesty & all your Majesty's Dominions have sustained by the Death of your Majesty's Royal grandfather, our late most Excellent Sovereign, whose illustrious Reign & paternal care, universally endeared him to all his subjects, more especially to us who so largely experienced his Goodness; & which will at once perpetuate his Glory & transmit the Tokens of our most reverential & gratefull regards to a period beyond the Reach of the durable monuments of Marble & Brass.

We beg leave sincerely & heartily to congratulate your Majesty on your happy accession to the throne, in full possession of the united hearts of all your subjects:—the only consideration that has Influence to alleviate our grief for the loss which we have sustained. The fame of your Majesties royal virtues has raised in us ye highest Expectations concerning your Majesties' Reign & Governm^t^ & given us Cause to Entertain the most exalted conceptions of British Glory.

The glorious success of the British arms, in Europe, Asia Africa and America, on which we beg leave to congratulate your Majesty, will Reflect everlasting Honour on your Majesties' Councils, as Events truly worthy their greatness and wisdom; & the continued smiles of Divine Providence upon your Majesties arms raise in our thankfull minds the most agreeable Reflections; Under your auspicious Reign, most Gracious Sovereign, we promise ourselves all the Blessings of a free & happy nation—to see Commerce flourishing, Religion & Liberty Reigning & your Majesty exulting in all the happiness of a loving & loyal people; and while your Royal Beneficence is refreshing & animating your European Dominions with new life & vigour, we joifully hope its benign influence will extend to your American subjects & *infant* Colonies; And permit us, Most gracious sovereign to express our unbounded gratitude, Loyalty & [p. 184.] faithfullness to your most sacred person & Government, by the highest assurances of our most inviolable attachment to, and our warmest zeal for your Majestys service, and our most fervent prayers to the King of Kings that your Majesties' Reign may be long & prosperous; that the Most high God may bless your Majesty with continual supplies of divine Wisdom, with length of days, Riches & Honours, a numerous posterity & glorious succession of illustrious Princes, to Govern these happy Realms, till time shall be no more.

Province of } In the House of Representatives, April 15th 1761,
New Hampr }

Voted unanimously that this Address be Imediately forwarded to John Thomlinson Esq. Agent for this Province at the Court of Great Britain & that he be & hereby is desired to present it to his most excellent Majesty in the name & behalf of this house.

S. H. S. Sr.

Voted unanimously, That the Honble Henry Sherburne Esq. Speaker of this House sign the Address of this House to his Most Excellent Majesty, & that he be desired to forward it immediately to John Thomlinson Esq. agent for this Province at the Court of Great Britain, by the first opportunity from the Continent.

Adjourned.

NOTE BY THE EDITOR.

[The following Address to his Majesty, George the Third, by "the Convention of Ministers in the Province of New Hampshire," will be read with interest, in connection with the foregoing, as evincing the Loyal spirit, which, at this time pervaded the Province.]

[Copied from the MS. Records of the "Convention of Ministers,' &c. in the hands of the Editor.]

The Convention of Ministers, at Portsmouth in the Province of New Hampr being held at the house of ye Revd Mr. Haven on the Day of Sept. 1761, The Rev. Mr. Adams(1) was chosen Moderator, &c.

Voted, That Rev. Messrs Gookin, Langdon & Haven, be and hereby are appointed a Committee of this Convention to draw up an Address to his present Majesty George III, on his accession to the throne, and that said Address be laid before this Convention.

Accordingly, The Committee aforesaid drew up & laid before the Convention the following Address.

To the King's Most Excellent Majesty—

The humble Address of the Ministers of the Congregational Churches in & about Portsmouth in the Province of New Hampshire in New England:

We, your Majesty's most dutiful & loyal subjects, Ministers of the Congregational Churches in & about Portsmouth, the principal Town of your Majesty's Province of New Hampshire, beg leave from these remote parts of your Dominions, upon this first opportunity of our convening, to present before the Throne this humble Testimony of our loyal duty & affection to your Majesty, whose Succession to the British Crown gives the highest Joy & Satisfaction to all your subjects.

The Loss sustained by the Death of our late most excellent Sovereign, would have remained indelibly imprinted on our Minds, had not the

(1) The Rev. Joseph Adams, was at this time minister of Newington. He was born in Braintree, Mass. 1688, graduated at Harvard College, 1710, ordained at Newington, 1715, died May 26, 1783, at the age of 95. Mr. Adams was longer in the ministry, and died at a more advanced age, than is known of any other minister in New Hampshire. He was a descendant of Henry Adams, who came from Devonshire, Eng. 1630, settled at Mount Wollaston, now Quincy, Mass. He was a relative, great uncle, of Hon. John Adams, 2d President of the U. S.—ED.

Throne been again so happily filled by a Prince of your Majesty's conspicuous Virtues & Abilities.

We cannot but recollect with the greatest pleasure how securely we enjoy'd our Civil & Religious Liberties during the reign of your Majesty's Royal Grandfather, by whose Wisdom & Moderation the Authority of the Laws was supported & Protestants of all Denominations countenanced & protected from the furious insults of Party Zeal: Especially these American Colonies must forever remember his paternal care, who, at a very critical Time of most threatening danger defended us by his Arms, which accompanied with most Signal Smiles of Divine Providence, have delivered us from the Massacre of the barbarous Salvages, to which our Frontiers were continually exposed, the fears of Romish superstition & Chains of France.

We congratulate your Majesty, that your Royal Head is now encircled with a Crown whose Lustre is so much brightened by the glorious Conquest of the whole Country of Canada & adorned & aggrandised more & more by repeated successes & new acquisitions thro' the remarkable continuance of the Divine Blessing on the British arms ever since your Majesty's accession to the Throne.

We joyfully behold the honours to which the Supreme Ruler of all Nations hath advanced your Majesty & are encouraged to hope that God will effectually humble & subdue all your Majestys Enemies, distinguish your Reign with Peace & Prosperity, & make Britain instrumental of diffusing Light & Liberty thro' the world.

Animated by the repeated accounts transmitted to us of your Majesty's Piety, high sense of Liberty & Justice & generous affection for your faithful subjects, especially by the Declarations of these noble Sentiments again & again made from the Throne, We assure ourselves that the Privileges which our churches, now numerous & flourishing, where Ignorance & Barbarity once reigned, have hitherto enjoy'd under your Majesty's Royal Ancestors, shall be perpetuated to us, & therefore cheerfully commit ourselves & the Interests of Religion & Virtue among us, under God to your Majesty's favor & Royal Patronage.

While we are labouring according to the peculiar duties of our sacred character to promote among our People the Religion of Jesus Christ our Divine Master, agreeable to the purity and simplicity of the Gospel, We shall ever be carefull to inculcate upon them principles of Loyalty & subjection to your Majesty's Government, & enforce these duties by our own Example. And it gives us the most sincere pleasure, that the strongest attachment to your Majesty's Person & Illustrious House appears universally in the churches of New England. Nor shall we cease to offer up our most ardent Supplications to Almighty God that your Majesty may be more & more inspired with Wisdom, directed & prospered in all affairs of Government, secured from open & secret Enemies, & continue to reign thro' a long series of years over a free & flourishing Nation, till the fading Honors of an earthly given place to the glories of an Heavenly Crown.

NATHANIEL GOOKIN }
SAMUEL LANGDON } Com^tee of ye Convention.
SAMUEL HAVEN }

Portsm^o, N. Hampshire.
Sept. 29, 1761.

The above Address, being voted by the unanimous Suffrage of the Convention, was forwarded to his Majesty indorsed in a Letter to the Right Honorable William Pitt, Esq. one of his Majestys Principal Secretaries of State.

Thursday, April 16th 1761.

The Secy came down & D'D the Speaker his Excellency's Messa of this Date, which was read & is on file.

Governor's Message.

[Copied from MS. Govrs Messa Vol. III. p. 161.]

Mr. Speaker & Gentlemen of the Assembly—

I have not time to enter particularly into your Message of yesterday, I shall therefore observe to you in General, that untill the Rolls properly come up to me, I am not obliged to provide for the payment thereof, and when they come up, I shall take all the blame that may arise from the non-payment.

I am astonished at your pressing me to assent to the Bill before me, when it is so repugnant to the Laws of Great Brittain, the only standard I am to measure all Laws by that I assent to, & had the bill now before me been of that make, I should have given it my assent instantly.

When you critically consider the Bill, you will find that it repeals a Law now in being, that it militates with your Constitution, that it supersedes officers in power, that it is a great indignity to the King, that it is derogatory of the Libertys & Priviledges of his Majesty's subjects, so that in fine, if you would drive me to the necessity of assenting to it, or that his Majesty's service must suffer, it may be a means of debaring the Province of the recompence you might otherwise have merrited.

B. Wentworth.

Council Chamber, 16th April 1761.

Voted, That the Honble Henry Sherburne Esq. & Colo Peter Gilman Esq. be a Committee of this House to prepare an answer to his Excellency's Messa of this Date & lay the same before the house for their approbation. Who immediately attended.

The Clerk adjourned till 3 o'clock

P. M.

The Committee appointed in the forenoon to prepare an answer to his Excellency's Messa of this day, laid the answer before the house which was read & is as follows, viz.

[p. 185.] *May it please your Excellency.*

We have considered your Excellency's Messa of this day & the House continue of opinion that provision ought to be made for payment of the Rolls before they are sent up & hope your Excellency will get over the Difficulties in your mind on that head.

The Bill before your Excellency we humbly conceive to be agreeable to the constant practice of the Government since the first settlemt of it under President Cutts, and more especially since the year 1741. We acknowledge it our great privilege that the Laws of Great Brittain are the true standard for our Regulation & would not presume to offer a Bill for your Excellency's assent that was repugnant thereto, a due regard to which was had in preparing the bill.

May it please your Excellency

It is a money bill drafted on the same plan as several others passed during the present War: We think it agreeable to our constitution & Know not that it supersedes any officers in power; It is in obedience to the commands of our most gracious Sovereign; & to promote his Honour & service we chearfully come into the proposed measures: We therefore abhor the very thoughts of offering the least Indignity to a King whom we so highly Honour & Esteem, who has the intire possession of all our hearts, whose support & Defence *& defence* we are ready to venture our lives & fortunes, if called thereto; we are satisfied it must be pleasing to his Majesty (We know it to be our duty & highly consistant with the Libertys & Privileges of his Majesty's subjects) that we take proper care to secure the money which the Estates of our Constituants are pledged for. We are really sorry that any misunderstanding should arise between your Excellency & the other branches of the Legislature, more especially on the present occasion, when we have labored so long & so much to promote & maintain Harmony in the Governmt, & it gives us pain to think ourselves under necessity of desiring anything that seems [p. 186.] in any measure disagreeable to your Excellency but as we can find no other way to answer the ends proposed by the Bill & as we are sincerely desirous to do all in our power to promote his Majesty's service, we humbly hope & earnestly pray for your Excellency's assent thereto.

Voted, nemine contradicente that the preceeding Messa be sent to his Excellency in answer to his Excellency's Messa of this Date.

S: P. G. Sr P. T.

Sent by George How the common carrier to his Excellency's seat at Little Harbour, since the Small Pox first broke out in his Excellency's family there. (a.)

(a) Jour. C. & Assm. April 16, 1761. The Secy by his Excellency's order asked the Council whether they would advise him to Issue a Proclamation for a General Fast thro'out this Province as usual at this season of the year, to be observed on Wednesday the 29th of this Instant, to which they did advise & consent.

Tuesday April 21, 1761, p. m.

The Secy came down & Informed the House that his Excellency had ordered him to inform the house that he had assented to the twenty thousand pounds sterls Bill for paying of the Troops for last year & for Levying & Cloathing the New levys for the present year.

NOTE.

[The Governor having assented to the Bill for emitting £20,000 for paying off the soldiers, for 1760, & for Raising a new Regiment, then the House passed upon the Muster Rolls, which were sent up & concurred—as follows. pp. 188–192.] Ed.

	Amount	1st Mo. pay	Ballance	No. of men	Deserters
STAFF ROLL	£637: 1: 2	£65: 0: 0	£572: 1: 2	8	0
Capt. Jno. Hazzen's Roll	1708: 1: 9	178: 2: 6	1535:19: 3	117	4
Capt. Phillip Johnson's do.	946: 0: 2	105: 7: 6	843:12: 8	65	2
Capt. Saml Gerrish, do.	1560:05:10	182:12: 6	1400: 3: 4	115	15
Capt. Epha Berry, do.	1200: 6: 8	137:12: 6	1076: 4: 2	85	9
Capt. Jacob Tilton, do.	1137:14:10	137:12: 6	1015: 2: 4	85	8
Capt. Neha Lovewell, do.	564: 5: 9	62:12: 6	506: 3: 3	35	0
Capt. Geo. March, do.	1681: 6: 3	199: 2: 6	1504:13: 9	126	15
Capt. Jera Marston, do.	1346:15: 3	166: 2: 6	1200: 2: 9	104	13
Capt. Aexa Todd, do.	1140: 5: 4¼	125:12: 6	1016: 2:10¼	77	1
	£11922: 3: 0¼	1359:17: 6	10670: 6: 6¼	817	67
Add for deserters	108		1359:17: 6	67	
	£12030: 3: 0¼		12030: 3: 0¼	750	

The Fort Muster Rolls passed March 6, 1761—Amº £1057: 2

[P. 193.] Whereas the Genl Assembly of this Province have agreed to raise by Enlistment five hundred & thirty four soldiers for his Majesty's service the present year, officers included:

Voted That his Excellency be desired to form them into five Companys & that they be allowed the following wages, Rewards & bountys,

1 Colonel	pr month, Sterlg	£15: 0: 0
1 Lieut Colonel	pr do.	12:10: 0
1 Major	pr do.	10:
1 Adjutant	pr do.	3:
1 Quarter Master	pr do.	3:
5 Captains	pr do. each	6:
10 Lieutenants	pr do. do.	3:15.
5 Ensigns	pr do. do.	2:12: 6
20 Corporals	pr do. do.	1:12.
20 Sergeants	pr do. do.	1:15
5 Drummers	pr do. do.	1:12.
460 privates	pr do. do.	1:10:
1 Chaplain £6.—if an ordained minister		7:10
1 Surgeon	pr	7:10
1 Surgeon mate	pr	6:10
1 Armorour	pr	2:
534 men		

That each able bodied private & non Commissioned officer who shall voluntarily Enlist, shall have a bounty of four pounds sterlg that thirty shillings thereof be paid at the time of his Enlistment & the remainder when they shall pass muster, being fifty shillings sterlg to provide himself cloaths, that each man be allowed a Blankett & that the Enlisting officers be allowed two shillings sterlg for each able bodied effective man they shall Inlist & be accountable for any money they may pay to non-effective men, yt officers enter into pay at the time of their receiving Beating orders & privates at the time of their Inlistment, that officers & soldiers be allowed six pence sterlg per day for Billeting from the time of their passing muster till they Receive the Kings provisions, that each Capt leave an attested copy of his muster & billeting Rolls in the Secys office

before his marching & that no officer or soldier Receive pay in two capacities, that no suttler be put into any of the Rolls to receive pay, that each officer & soldier Receive one months pay advance before marching(a). Sent up by Capt. Moores. [Concurred.]

(a) Jour. C. & Assem. April 21, 1761. P. M. Mr. Sevey from the house bro't up the following votes, viz.

A vote Directing the Treasurer to cancil & Deliver such Bonds as were given by officers & others who received money out of the Treasury for Enlisting men & had accounted for the sums so received &c. read & concurred.

Also a vote appointing a Com^tee^ to settle the Treasurer's Acc^t^ in the recess of the Assembly & Directing that the Treasurer's Acc^t^ be settled once a year: The Com^tee^ also to tell over & receive the money in the Treasury to be burnt, read & concurred: And a Com^tee^ added on the part of the Board.

[P. 195.] Wednesday April 22^d^, 1761.

The Honble Theodore Atkinson Esq. came down & said that his Excellency had ordered him to inform the house that he had assented to the Rolls, & the Vote for Establishing the wages bounty &c. for Raising the Levys for the present year—& retired.

[P. 197.] Thursday, April 23^d^, 1761. P. M.

The petition of a number of the Inhabitants on Merrimack River so called, at or near Ammaskeage falls &c. so called, praying Liberty for a Lottery, to enable them to blow up the Rocks in said falls in order & more Especially that the Trees provided for his Majesties Navy, may not be attended with so much difficulty as it now is, under those circumstances &c. as mentioned in said petition—being read ordered to lay for the present till a fuller house.

[P. 198.] Saturday, April 25th 1761.

The Honble Theodore Atkinson Esq. came down & adjourned the General Assembly by his Excellency's order till Tuesday the 26th day of May next & said accordingly in his Majesties name they were adjourned.(a)

[Votes, Acc^ts^ bills &c. passed by the house and concurred by the Council.]

(a) Jour. C. & Assem. from April 7th to April 25th 1761. Doctor Eben^r^ Fisk, allowed £4 : 12 Sterl^g^ for curing Wm. Towle, a sick soldier.

Committee for signing the £7000 bills, allowed £28 : 6 : 9, sterl^g^.

Allowed Acc^{t} of Com^{tee} for liquidating & copying acc^{ts} of the several Expeditions against Crown Point to be sent home—am^{o} £103 : 8 : 11 sterl^{g}.

Small Pox Act passed.

Col. Goffe allowed sundry charges for sick soldiers, &c.

Petition granted of Selectmen of Newmarket for reimbursement of charges for taking care of soldiers with small pox:

Also, Greenland petition for Do. Kingstown, for Do.

Stratham petition for Do.

Isaac Row's petition for Do.

Samuel & Nathaniel Weeks petition for Do.

Wm. Stevens petition for Do.

Moses Sweets allowance for Do.

Capt. Hercules Moony for time & expence in fetching sick soldiers with small pox, allowed &c.

Capt. Nathaniel Lovewell, allowed £3 : 3 : 6 sterl^{g} for shoes and stockings delivered to sundry soldiers.

Bill passed enabling Charles Banfill & others to revive a suit at law.

Governor advised to grant Warrants on the Treasury, &c.

Thursday, May 28th, 1761.

[p. 199.] The acc^{t} of Capt. George March for sundry supplys to sundry soldiers in his Company who deserted, praying an allowance—viz.

Nathaniel Ham	sterl^{g}	£0 : 9 : 9¼
Joshua Jenness		2 : 11 : 1
James Allord—(vote Augt 12, 1761, this deducted)		1 : 0 : 1
Nathl Meader		0 : 19 : 0½
James Jordan		0 : 10 : 6
Benj^{a} Danniels		0 : 2 : 4
William Kenniston		0 : 2 : 4
Andrew Nevin		0 : 10 : 4
Abner Potter		0 : 6 : 2½
James Morgain		0 : 7 : 9¼
Saml Bryant		0 : 9 : 4
Valentine Clark (vote Augst 12, 1761, this deducted)		1 : 8 : 10½
		£8 : 17 : 8

This acc^{t} being read, Voted, That the above acc^{t} amounting to Eight pounds seventeen shillings & Eight pence sterl^{g} be allowed & paid to Capt. George March or his order out of money in the Treasury for the last year's Expedition.

Sent up by Mr. Seavey. [Concurred.]

Wednesday, June 3^{d} 1761. p. m.

[p. 207.] The high sheriff Desired to be admitted into the house—which was granted.

Thomas Packer, Esq. the high sheriff being admitted into the House said that his Excellency the Governour ordered him to wait on the house & to desire that the house would favour him with their company tomorrow at one o'clock at his seat at Little Harbour & Retired. Adjourned.

Thursday, June 4th 1761.

His Excellency being very ill to-day the House & Council could not wait on him at his seat at Little Harbour, & the Secy came & desired the house would attend the Council at the sign of Quebec, by the Governor's order to Drink the King's Health; at one of the clock the house & Council attended accordingly.

Fryday, June 5th 1761.

[p. 209.] Whereas Col. John Goffe Esq. Colo of the New Hampshire Regimt for the year 1761 has made application to this house this day that there might something be allowed to support the officers Table in said Regiment as usual in other Governmts, & Likewise made a motion whether the Tents for the Campaign last year should be paid for by the officers as the Committee of war had charged them with the Tents & Desired the house's opinion thereon &c.

The House took the affair under consideration &

Voted, That there be allowed five pounds sterlg pr month for the support of the officers Table this present year During the Campaign & sent up for concurrence.—Sent up by the Clerk. [Concurred.]

Jour. C. & Assem. June 5, 1761. The memorial of Majr Robert Rogers setting forth that in the year 1755 he was ordered to remain with a Company at Fort William Henry during the winter 1755 & till the Spring 1756 &c. for which he nor his Compa had received any allowance, & prays the consideration of the General Assembly that they would set a time for him to produce his vouchers &c. read & sent down.(1)

Saturday, June 6th 1761.

The Secy came down & said he was directed by his Excellency to adjourn the General Assembly to Tuesday the 16th Instant nine

(1) See Journal of the House, June 26th, 1761, marg. p. 222.—Ed.

o'clock A. M. & said accordingly in his Majesties name they were adjourned.(a)

[Votes, Accts, bills &c. passed by the House & concurred by the Counci from May 26th to June 6th, 1761.]

(a) Jour. C. & Assem. Hannah Young's Acct for taxing care of soldiers sick with small pox, allowed, £12 : 12 sterlg.
Do. Nathan Blake, a soldier sick with small pox, allowed £10 : 8 : 3, sterling.
Do. Nathl Thing, a soldier sick with small pox, £5 : 10 sterling.
Petition of Wm. Humphreys praying Relief from a fraudulent Deed &c granted.
Thos Johnson a soldier, for loss of part of his hand, £8 : sterlg.
Capt. Gerrish for delinquent soldiers, £45 sterling.
B expence of Committee for making £12,000, sterling=£37 : 17.
James Philbrook, allowed for son's sickness £4 : 10 sterling.
Hezekiah Ward, a sutler, for losses by deserters, allowed £76 : 5 : 2.
Ephraim Chamberlain, allowed 25*s*. sterling, for loss of gun.
Selectmen of Dover, for last year's campaign, £45 : 12 : 6.
Samuel Hubbard, for sickness & losses, 1759, £2 : 4 : 10.
John Layn, for losses, &c. £4 :
Hon. Daniel Warner, for casting Muster Rolls, 1760, £2.
Samuel Kimball, for sons sick with small pox, £8.
Joseph Hall, for son's sickness—£0 : 19 : 6.
Selectmen of Dunstable for taking care of Clemt Denbo, £4 : 3.
Ephraim Butterfield, for taking care of Moses Wentworth £7 : 16.
Robert McKean, a sick soldier,—£6.
Nathl Garland, for expences &c. £4.
Table money allowed Col. Goffe, £5 sterling pr month.

[P. 211.] Tuesday, June 16, 1761. P. M.

The Honble Theodore Atkinson Esq. Brot down his Excellency's Messa to the house of this date, which was read & Debated on & is on file.

Governor's Message.

[Copied from MS. Govrs Messa, Vol. III, p. 167.]

Mr. Speaker & Gentlemen of the Assembly—

It is with great concern, that I must inform you, that the Levys for Collo Goffs regiment are exceeding backward, and I am apprehensive that unless a further encouragement is given to volunteers, the regiment will not be compleated: you will on this occasion either enlarge the bounty or resolve that the men be raised in some other way that will be most agreeable.

It is with regret that I must so often put you in mind of complying with his late Majesty's additional Instruction relative to settling a salary on the Chief Justice & other Justices of his Majesties Superiour Court of Judicature. If this be not Immediately done his present Majesty must Entertain a very bad opinion of your conduct.

The situation of his Majesty's Fort William & Mary demands an annual Grant, to render that Fortress capable of defending the Port, this grant you are sensible was omitted the last year, but I hope you will esteem it your duty & Interest, not to delay it any longer. With regard to the provision necessary to be further made for my Honorable Support, it is so well known to every member of your House, that I should not take up any part of your time to mention it, had I not been acquainted that it was expected; but I am very sorry for the occasion after twenty years service.

B. WENTWORTH.

Council Chamber in
Portsm°. 16th June 1761.

Wednesday June 17, 1761, P. M.

[P. 213.] Voted that there be allowed & paid unto his Excellency Benning Wentworth Esq. Governor and Commander in Chief in & over the Province of New Hampshire, out of money in the Treasury by the province Tax for the year 1760, the sum of Eleven hundred seventy one pounds seventeen shillings & sixpence new Tenor for his more Honble & ample support, from the 12th Day of June 1760 to the 12th day of June 1761. Sent up by Capt. Bell. [Concurred.]

Voted, That the Treasurer send out his warrant for collecting the Province Tax for the curr^t year which may be paid in species agreeable to the prices fixed & sett to the follow^g Merch^t articles of the produce of this province: viz.

Barr Iron	at	£6	pr hundred.
Hemp	at	0: 2:0	pr pound
Indian corn	at	0:10:0	pr bushell
Rye	at	0:10:0	pr do
Peas	at	0:15:0	pr do
Winter Wheat	at	1:10:0	pr do
Barley	at	0:10:0	pr do
Pork	at	0: 1:0	pr pound.
Beef	at	0: 0:9	pr do
Flax	at	0: 2:0	pr do
Bees wax	at	0: 5:0	pr do
Baberry wax	at	0: 3:0	pr do
Well tanned sole leather	at	0: 4:0	pr do
Tallow	at	0: 2:6	pr do
Winter & Spring Cod fish	at	4: 0:0	pr Quintle
Pitch	at	3:10:0	pr barrell
Tarr	at	2: 0:0	pr do
Turpentine	at	4: 0:0	pr do
White pine Joyst	at	6: 0:0	pr thousand
White pine Boards	at	7: 0:0	pr do
White oak two inch. plank	at	25: 0:0	pr thousand

Sent up by Mr. Morrell. [Concurred.]

Fryday June 19, 1761.

[P. 217.] Voted, That his Excellency be desired to give orders for the enlisting seven men to be posted at his Majesty's Fort William & Mary for the present year, & that they have the same pay & allowances for victualling as was allowed last year, & that money be drawn out of the Treasury by his Excellys Warrant for their subsistance. Sent up by Mr. Knight. [Concurred.]

[P. 218.] Whereas his Excellency the Governor is pleased in his Messa of the 16th Inst. again to recommend the settling of a Salary upon the Chief Justice & other Justices of his Majesty's Supr Court of Judicature, & Whereas a vote passed this house ye 1st of April 1760 for Dividing the Province into Counties & settling a Salary on the said Chief Justice & other Justices of said Court, which vote was sent up to the Honble Council the same day,—it is now again,

Voted, That the province be divided into Counties & a salary settled on the Chief Justice & other Justices of said Courts agreeable to said vote. Sent up by Mr. Wiggins. (1)

[P. 219.] Wednesday June 24th 1761.

Voted That Colo Clemt March & Matthew Thornton Esq. be a Comittee of this house to wait on his Excellency & Inform him that the house could not see that 'twould be of any service to ye Expedition to raise ye Bountys at present & that the house was in a inactive state.

[P. 220.] Thursday June 25th 1761.

The Honble Theodore Atkinson Esq. came & said that his Excelly could not pass the Excise bill now before him, but if the House would prepare a Bill consistant with the Laws of Great Britain he was not averse to the passing such a Law, or that if the house would make proper applycation to him to let it be farmed out, he was not averse to that, but that he would have the appointment of the persons to farm it out &c. for that twas the *prorogated?* of the King to appoint all officers to gether his Revenues &c. & retired.

(1) This vote was read, but not otherwise acted on by the Council.—Ed.

[p. 221.] Fryday June 26th 1761.

Voted, That Jona Lovewell Esq. joyn the Committee already appointed to examine ye Laws of this Province lately Reprinted &c.

Mr. Knolton a Quaker being admitted into the house made a motion to have his Taxes abated that he was subjected to by the late Quakers Act.

The house took the matter under consideration, and Resolved to take no notice of said motion.

Voted That Eleazer Russell Esq. be a Committee of this house to joyn with such as may be appointed by the Honble Council to farm out the Excise upon spirituous Liquors within this province to the highest Bidder for the space of one year from the first day of Sept Last, that they give public notice in writing of the time & place of sale, & that they advertize the same in the New Hampshire Gazette three weeks successively & take Bonds with suretys from the person to whom the same shall be sold, payable to the Treasurer of this Province for the time being, in two Equal payments & take a Rect for the same from the Treasurer unto whom the said Bonds are to be Deliverd by Said Committee & make Report of their doings to the General Assembly as soon as may be. Sent up by the Clerk. [Concurred & a Comtee added.]

Voted That the Committee of War settle all the Small Pox accts that are now on the files & that the Clerk deliver them to said Committee in order for settlemt, & they were accordingly Delivered & were as follows, viz. The petition of Moses Wentworth, the petition of the Selectmen of Marlborough, the petition of Daniel Peasly, the petition of the selectmen of Lancaster, the petition of the selectmen of Westfield, the acct of the selectmen of Eggremt, the acct of Mercy Pinly and the acct of Abigail Davis.

D'd the Speaker by the Clerk.

[p. 222.] The Memorial of Major Robert Rogers & the muster Roll of his Compa therein Referred to with the Certificates thereto relating, read, & Major Rogers being admitted into the house by his desire said what he had to say in order to inforce his Memorial & retired.

The house took the matter under consideration Imediately & its being after twelve o'clock A. M. & the house being informed they were to be prorogued this forenoon & there being not time for a mature Deliberation & Debates thereon, & Major Rogers not having his vouchers with him to support his Memorial, he was ordered into the house & by the Speaker was told the minds of the house, viz. That the house was ready to do every thing in Regard to his Memorial that consisted with Honour & strict Justice, & that if he had paid any moneys to any of his Company as

therein Represented, he must produce the vouchers therefor, & then the house would Immediately proceed on the consideration of his Memorial, but untill that was done & as the house was to be Imediately Prorogued, they could not with any propriety act thereon now, & then was order'd to withdraw.

The Honble Theodore Atkinson Esq. came down & said he was directed by his Excellency to inform the General Assembly that he had prorogued them to the second Tuesday of August to ten of the clock be forenoon & then to meet at this place & said accordingly in his Majesty's name this house was prorogued. (a)

(a) [Votes, bills, acc^ts &c. passed by the house and concurred by the Council from June 16th, to June 26th 1761.]

Jour. C. & Assem. Com^tee to compare the new Law book with the old one, as revised.

Select men of Gosports petition & vote to abate their arrearages £512 : 8 : 1, new Tenor.

Doctor Samuel Mattoon's acc^t allowed for care of Joshua Kenniston, a sick soldier, £3 : 15 sterling.

Doct. Bildad Andross for care of sundry sick soldiers, allowed £7 : 4, sterling.

James McCally, a sick soldier, allowed £6. sterling.

Eliza White for nursing James White, a sick soldier, allowed £5 : 15 sterling.

Wm. Wright for nursing Henry Benson, a sick soldier, 36*s* sterl^g.

Thomas Packer's Sheriff, acc^t allowed for service from 25th March 1760 to 25th March 1761, £20, new Tenor.

Governor Wentworth allowed for house rent from 12th of June 1759 to 12th June 1761, £200 new Tenor.

Rev. Saml Langdon for praying with Assembly, £12 new Tenor.

Rev. Saml Haven for do £12 new Tenor.

Nathl Fellows, door keeper, allowed, £25 new Tenor.

Matthew Livermore, Esq. as Attorney General, £30 new Tenor.

Selectmen of Canterbury for taking the Inventory of Bow, allowed £11 : 5 new Tenor.

Jon^a Coomb's, acc^t for care of a sick soldier £6, sterling.

Nathl Hill's acc^t for Do. £6 : 10 : 6 sterling.

Selectmen of Boscawen for taking Inventory of New Hopkinton, £5, new Tenor.

James Nichols for care of sick soldiers & billeting, £4 : 9 sterling.

Doct. Samuel Brick for attendance on sick soldiers, £5 : 5, sterling.

Doct. Joseph Lee for do do £6 : 18 : 6, sterling.

Doct. Bildad Andross, for do do £5 : 5, sterling.

Acc^t of Richd Downing Esq. £650, and balance, £63 : 2 : 6 new Tenor, to be paid into the treasury.

Col. Downing and Capt. Leavitt to account for money &c.

Acc^t. of Theo. Atkinson, allowed, £60 : 5 new Tenor.

Thomas Packer's acct. for expressing Acts &c. to towns, £55 : 10 new Tenor.

A Bill for appropriating land in Barrington for high ways passed.

Vote for repairing the Fort, Wm. & Mary, passed.

Sarah Bryant's petition—granted a hearing.

Riot act revised, & passed.

Acc^t of Committee for signing £12,000, allowed.

Tuesday, Aug. 11th 1761.

Met according to adjournmt—and adjourned to

[p. 223.] Wednesday, Aug. 12th 1761.

The Honble Theodore Atkinson Brot down his Excellencys Messa of yesterdays date with General Amherst's letter therein referred to—Both which was read & is on file.

Governor's Message.

[Copied from MS. Govrs Messa Vol. III, p. 169.]

Gentlemen of the Council
and of the Assembly.

It was not my intention to have met you in General Assembly at this time, but his Majesty's service made it necessary I shall therefore confine myself to that only. General Amherst in his letter to me of the 13th of July, having made a requisition of a Company of fifty one men officers included, as a proportion to this Province for securing his Majesty's conquests in North America, until the first day of July 1762 by which time the Kings troops, employed in other services, will be returned to their posts:

The General, having in his letter which shall be communicated to you, pointed out the securest method of levying the men, I shall have no occasion to explain myself on that subject, not in the least doubting of your ready complyance therewith.

B. Wentworth.

Council Chamber in
Portsmouth, August 11th 1761.

General Amherst's Letter.

[Copied from MS. Govrs Messa Vol. III. p. 173.]

Albany, 13th July, 1761.

Sir—

I have this day the favour of your letter of the 3d Instant acquainting me of the Disappointments & the retardments which have hapned in Levying the men to compleat the Regimt of the Government where you preside; by which the Regimt is short of a hundred men, but that you hoped 'twould soon be filled. I yesterday Received advice that one hundred of them are arrived at Crown point.

I have no objection in Colo Goffe's taking this in his route, tho' I think the Regimt will not want any supplies but what they may find at Crown point.

In regard to the Billeting money that was due, I have directed Lieut. Small, who conducted the Regimt Last year to come here with Major Emory that the whole accompts may be settled.

The requisition I have made of fifty one men, officers included, to continue in the service untill July 1762, was with an intention that they should be drafted from the present Regiment, as the best & earliest method for the Province continuing that number of men in pay to the above mention'd time.

I am with great Regard,
Sir, your most obedt
Humble servt
Jeff. Amherst.

His Excellency Governor Wentworth.
Copy Examined pr A. Clarkson, Clk.

The house took his Excellency's Mess[a] with Gen[l] Amherst Letter under consideration Immediately, and is as follows, viz.

Whereas his Excellency the Governour by his Message of yesterday was pleased to Inform the Gen[l] Assembly "that General "Amherst had by his Letter of the 13th July made a Requisition "of fifty one men officers included as a proportion to this Prov-"ince for secureing his Majesty's Conquest in North America untill "the first Day of July 1762, by which time the King's Troops "employed in other services will be return'd to their Post."

Which Letter was laid before the Gen[l] Assembly.

Voted & Resolved, That his Excellency the Governor be desired & he is hereby desired to give orders to the Commanding officer of the Regim[t] raised for the service of the present year, to Inlist fifty one men officers Included out of said Regim[t] to be in the pay of this Government, aforesaid till the said first Day of July 1762, & for the Incouragement of them to Inlist that there be paid to each private & non-commissioned officer a bounty of forty shillings sterling, that there be one Captain, one Lieut. & one Ensign, that the pay of officers & men be agreeable to the Establishment for the present year. Sent up by Col[o] Smith. [Concurred.]

[p. 225.] Fryday August 14, 1761.

The Hon[ble] Theodore Atkinson came Down & Informed the house that his Excellency had prorogued the Gen[l] Assembly to Tuesday the 6th day of Octob[r] next, to 10 o'clock A. M. then to meet at this place, & accordingly in his Majesty's [name] they were adjourned.(a)

(a) [Votes, acc[ts], bills, &c. passed by the House and concurred by the Council, from Aug. 11th to Aug. 14th 1761.]

Jour. C. & Assem. The Acc[t] of the Com[tee] for purchasing stores, audited & past.

An allowance to Valentine Clark & James Allard in Capt. March's Comp[a] marked as deserters but were not,—am[o] to both £21 : 18, sterling.

An Act entituled "an Act for making the owners of the mills & works on Salmon Falls in Somersworth a regular Propriety, and to enable them to manage their comon Interest there as Proprietors of comon & undivided Lands may do by Law: passed.

James Quimby(1), a soldier sick with small pox, allowed for expence £6 : 16, sterling.

A Bill to enable Robert Boyse Esq. to revive an action at Law with Jonathan Colburn.

Andrew Clarkson, allowed for paper & recording acts, £19, new Tenor.

(1) In Journal of the House, this name is James Quinton.—Ed.

Letter from Governor Wentworth.

[Copied from MS. "Addresses to the King," in Secys office, p. 111.]

Portsmo 23d Augst 1761.

Sr—

On the other side I have drafted a short address to his Majesty wch please to get Mr. Clagget to draw fairly on a sheet of paper that I may have it to morrow, to go by Express to Casco, if not conveyance from hence. I have all my Letters ready & shall wait only for this.

You may show it to such of the Council as you can meet with, and to the Speaker if he will sign in behalf of the Assembly * * * I hope to see you in the forenoon tomorrow.

I am, Sir,
Your huml Servt,
B. Wentworth.

To the King's Most Excellent Majesty.

The humble Address,

of the Governor & Council & Assembly of your Majesty's Province of New Hampshire in New England in America

Most Gracious Sovereign:—

We your Majesty's most dutiful and Loyal subjects the Governor, Council & Assembly of your Majesty's Province of New Hampshire in New England, by our distant situation from the Throne, are prevented the happiness of approaching your sacred person; yet being deeply affected with the melancholy event of your Royal Granfather's suddain & melancholly death, we hope to be indulged in our addresses to condole your Majesty on the sorrowful occasion which spread so deep & such universal sorrow throughout your dominions.

Permit us, most Gracious Sovereign, in the sincerity of our hearts & with the warmest Gratitude to Heaven, to acknowledge the unerring hand of Divine Providence, in exalting your Majesty to the Throne of your Royal Ancestors, under whose administration we promise ourselves the continuance & Increase of all public happyness.

Your Majesty's gracious declaration on your happy accession to the throne, that it should be the studdy of your Reign to Promote the glory, interests & prosperity of your subjects, animates us with the highest sense of gratitude and affection.

Relying on the kind hand of Providence for continuance of your sacred Majesty's long & happy reign over a free & united people, and that there never will be wanting one of your Illustrious Descendants to fill the British Throne, to convey the virtues & blessings of your Majesty's reign to the latest Posterity, is & shall be the ardent & fervent prayers of your Majestys ever faithfull & Loyal subjects—

The Governor, Council & Assembly of your Majesty's Province of New Hampshire in New England.

Benning Wentworth.

Theodore Atkinson, Secy
for & in behalf of the Council
H. S. Spr for & in behalf of the Assembly.

Superscribed, "To the Honble Theo. Atkinson, Esq. Portsmouth."

[P. 226.] Tuesday October 6th 1761.

Met—The House by his Excellency's proclamation was further prorogued till Tuesday the 3d Day of Novr next to 10 o'clock before noon.

Tuesday November 3d 1761.

Met according to adjournment—and his Excellency by his written proclamation Dissolved the General Assembly of the Province of New Hampshire, and is as follows, viz.

Province of New Hampshire,
By his Excellency Benning Wentworth, Esq Capt. general Governor & Commander in Chief in & over his Majesty's Province of New Hampshire, aforesaid.

A Proclamation.

For as much as the time for the continuance of the present General Assembly of this Province will by Law expire in a few Days after the time to which it now stands prorogued, & his Majesty's service not requiring at this time any immediate or necessary transactions, Therefore I have thought fit to Dissolve them & accordingly the General Assembly of the Province of New Hampshire is hereby in his Majestys name, Dissolved.

Given at the Council Chamber in Portsmo in the Province aforesaid, the 2d Day of November in the second year of his Majesty King George the Third's Reign Annoque Domini, 1761.

B. Wentworth.

By his Excellency's command.
Theodore Atkinson, Secy.
God save the King.
Amen.—Say I.

[P. 237.] *Anno Regni Regis Georgii Tertii Magnæ Brit taniæ, Franciæ et Hiberniæ Secundo.*

A JOURNAL of the House of Representatives, at a General Assembly of his Majesty's Province of New Hampshire in New Eng land, begun and held at Portsm° in said Province, on Tuesday the 19th day of Jany 1762.

Tuesday January 19th, 1762.(a)

Mr. Secy came down & adjourned the General Assembly to Wednesday the 27th Instant.

(a)[At the first meeting of the Council & General Assembly there were present of his Majesty's Council]

His Excellency BENNING WENTWORTH, Esq. Governor.

Theodore Atkinson Richd Wibird John Downing Danl Warner	Esqs.	Joseph Newmarch M. H Wentworth Wm. Temple.	Esqs.

Wednesday, Jany 27th 1762.

Met and adjourned till—

Thursday, Jany 28th, 1762. P. M.

The Honble Theodore Atkinson & Richard Wibird Esqs. came down & administered the oaths appointed instead of the oaths of Supremacy & Allegiance, to all the members & saw them subscribe the Declaration, & then Informed the members that his Excellency expected they would inform him by a message that they were together.

Whereupon Mr. Waldron, Mr. Wentworth and Mr. Jennis were desired to wait upon his Excellency & inform him that the members were together & had taken the oaths as above.(a)

(a) Jour. C. & Assem. Jan. 28, 1762. The High Sheriff made a full return on the King's Precept for calling an Assembly, and the Names of ye Persons, the Places which they respectively represent are as follows, viz.

Portsm°, Henry Sherburne, Esq.
Eleazr Russell, Esq.
Mr. Andrew Clarkson
Dover, Capt. Thos Wk Waldron
Capt. Howard Henderson
Hampton, Jona. Moulton, Esq.
Mr. Chisr Toppan.
Exeter, Peter Gilman, Esq.
Mr. Zebulon Gidding
New Castle, Capt. George Frost & Rye, Richd Jenniss, Esq
Kingston, Mr. Benja Stevens,
Hampn Falls, Meshh Weare, Esq
Newington, Mr. Richd Downing,
Nottingham West & Litchfield } Capt. Samuel Greeley.
Stratham, Andrew Wiggin, Esq.
Londonderry, Samuel Barr, Esq.
Durham, Majr Jos. Smith, Esq.
Greenland, Clemt March Esq.
New Market, Joseph Smith, Esq.
South Hampton, John Page, Esq.
Chester, Samuel Emerson, Esq.
Plastow & Hampstead } Capt. John Carleton.
Salem & Pelham } Mr. Joseph Wright
Dunstable & Hollis } Mr. John Hale.
Somersworth, Capt. John Wentworth
Merrimack & Monson } Joseph Blanchard, Esq

Theodore Atkinson & Richd Wibird, Esqs. in pursuance of a Dedimus Potestatem & in Pursuance of his Excellency's directions, went to the Assembly Chamber and administered the oaths to the Twenty seven members returned to serve as above.

[p. 238.] Friday, January 29th 1762.

The Honble Theodore Atkinson & Richard Wibird Esqs, came down & Informed the members that his Excellency required ym to choose a speaker & present him.

The members immediately made choice of the Honble Henry Sherburne Esq. for their speaker, by a unanimous vote, who was accordingly conducted to the chair.

Then the House proceeded to the choice of a clerk & made choice of Mr. Andrew Clarkson who was sworn to the faithfull discharge of his office, by the Honble Meshech Weare, Esq. & then

Voted, That Col°. March, Col° Smith, Major Downing & Major Moulton, wait on his Excellency & Inform him that the house made choice of the Honble Henry Sherburne Esq. to be their Speaker.

Adjourned till 3 o'clock

P. M.

Letter from Govr Wentworth to Secy Atkinson.

[Copied from MS. Corr. Vol. III. p. 181.]

Portsmouth, Jany 29th 1762.

Sir—

Coll° March, Coll° Smith, Major Downing & Major Moulton, messengers from the Assembly Inform me that the members have made choice of Hen. Sherburne Esqr for their speaker, in this case I am greatly at a loss, on account of Mr. Sherburne's bad state of health & Incapacity to attend on the business of the session, which may occasion many Inconveniencys to the Government; Notwithstanding in the present situation of things you are to Inform the House that I approve their choice, tho' contrary to my

own sentiments: After that you are to command the attendance of the Speaker & Assembly in the Council Chamber & by virtue of my Commission to read the Enclosed speech, and his Majesty's 24th Instruction herewith sent.

I am, Sir, your hum. servt.
B. WENTWORTH.

Colo. Atkinson.

The Honble Theodore Atkinson & Richd Wibird Esqs came down & Informed the house, that his Excellency approved of their choice of Henry Sherburne Esq. for their Speaker and desired the attendance of the House at the Council Board.

Mr. Speaker & the House Immediately attended When Mr. Secy read his Excellency's Speech to both houses, with his Majesty's 24th Instruction therein referred to.

By his Excellency Benning Wentworth, Esq. Captain General, Governor and Commander in Chief in and over his Majesty's Province of New Hampshire in North America, &c. &c.

[Copied from MS. Govrs Messa Vol. III. p. 179.]

To the Honble Theodore Atkinson and Richard Wibird Esqs. or either of them, Greeting:

Reposing Especial Trust and Confidence in your Loyalty and Integrity, KNOW YE, That I have authorized and directed, And by these Presents Do authorize and direct you the said Theodore Atkinson & Richard Wibird Esqrs or either of you to read any Speech for me and in my Name to and before his Majesty's Council, or to and before such of the Assembly as are or shall be returned to serve in the next General Assembly for the said Province, or to deliver any Message from me as Governor aforesaid, directed by me in my aforesaid capacity Either to the aforesd Council, Assembly or both, as occasion may require. And you are to make due return of your doings herein from time to time unto me.

Given under my Hand and Seal at Arms
this 28th day of January in the 2d year of
His Majesty's Reign, Annoque Domini 1762.
B. WENTWORTH.

Mr. Speaker with the house being returned to their room,

Ordered, That Mr. Clarkson & Mr. Toppan go up to the Board, & desire that a copy of his Excellency's speech may be laid before the house.

The Honble Joseph Newmarch Esq. brot down his Excellys speech & a copy of his Majesty's 24th Instruction, which was read & is on file.

Governor's Message.

[Copied from MS. Govrs Messa. Vol. III. p. 181.]

Gentlemen of the Council
and of the Assembly,

I have the satisfaction to acquaint you that his most sacred Majesty George the Third, by his Royal Patent, bearing date at Westminster, April the 4th 1761, has been graciously pleased to appoint me Governor & Commander in Chief of his Province of New Hampshire, which I published

in Council on the 24th of December last, and I am hopeing it will give you equal satisfaction when you consider that as a reward for my past fidelity in his Majesty's Royal Grandfather's service, for more than twenty years, the King has thought me worthy of his service allso.

With my Commission were transmitted his Majesty's Instructions given at St. James' June the 30th & I think the 24th highly interesting to his Majesty's Subjects, Inasmuch as a punctual observance thereof, must convey to well ordered governments the highest advantages, for which reason, and in obedience to my sovereigns Commands, I shall order said Instruction to be laid before you, in the firmest persuasion that an Instruction intended so much for the peace, good order and prosperity of the Government cannot but merrit the attention of all such as are sincere promoters of her true interests.

Gentlemen of the Assembly—

It will be very agreeable to me to find a hearty disposition in this House to give the utmost dispatch to the public business, I shall therefore cause the Muster Rolls of Colonel Goffs regiment, employed in his Majestys service the last year at Crown Point, as soon as they are made up, to be laid before you. I shall also direct the Treasurer to prepare his accounts, and every other thing necessary for your Inspection.

The works at his Majesty's Fort William & Mary have been shamefully neglected for two years past to the great reproach of the Government. I hope you will therefore make that one object of your attention in this Session, by an annual Grant, either in the labour of the people, or in money, to compleat them in a way that may be lest burthensome to the Community.

It is with no small concern, That I must observe to you, that for twenty years past, an extreme backwardness has appeared in preceding Assemblys to provide amply for my support, insomuch that at this day, there is no house & other conveniencys provided for the reception of the Kings Governor, which would have been remedyed before now, had I not out of a tender regard to the people you represent suspended it, untill the grants made by Parliament were compleated. It is true I have had grants made from time to time, for house rent, but it is as true, that they have been insufficient to procure accommodations even for a private gentleman; upon the whole, I rely that this house will act consistently in this point, as well as in all others.

There are many other matters which I shall lay before you in the course of this session, but they shall come before you by way of message.

Gentlemen of the Council
& of the Assembly.

As I have nothing more in view, than to promote the true interest of the Government, so I flatter myself you will give me an opportunity to demonstrate my zeal for his Majesty's service and the true Interest of the Province.

B. Wentworth.

Council Chamber in
Portsmouth, Jany 29th, 1762.

His Majesty's 24 Instruction to His Excellency Benning Wentworth, Esq.

[Copied from MS. Govrs Messa Vol. III. p. 189.]

"Whereas several Inconveniencys have arisen to our Governments in

the Plantations, by gifts & presents made to our Governors by the General Assemblys, you are therefore to propose unto the Assembly at their first meeting, & to use your utmost Endeavours with them that an Act be passed for raising & settling a publick revenue for defraying the necessary charges of the Governmt of the said Province; and that therein provision be particularly made for a competant sallary for yourself as Governor and Commander-in chief of the sd Province, & to other succeeding Governors & Commanders in chief, for supporting the Dignity of the said office as likewise due provision for the contingent charges of the Council & Assembly, & for the sallary of ye respective Clerks, & other officers thereunto belonging, as Likewise of all other officers necessary for the administration of that Governmt & particularly that such sallarys be Enacted to be paid in sterlg or proclamation money or in Paper Bills of Credit currant In that Province, in proportion to the value such Bills shall pass at, in Exchange for Silver, that thereby the Respective officers may depend on some certain Revenue, and not be liable to have their stipends varied by the uncertain value of paper money; and that in such Act, all officers sallarys be fixed to some reasonable yearly sum, except the members of the Council & Assembly & the officers attends them, or others whose attendance on the publick is uncertain, who may have a reasonable pay established per diem, during their attendance only, & when such Revenue, shall have been so settled & provision made as aforesaid; then our express Will & pleasure is, that neither you ye Governor, nor any other Governor, Lieutenant Governor, Commander in chief or President of the Council of the said Province of *New Hampshire*, for the time being, do give your or their consent to the passing any Law or act for any gift or present to be made to you or them by the Assembly on any acct, or in any manner whatsoever, upon pain of our highest displeasure, & of being recalled from that Governmt."

B. Wentworth.

Copy attt A. Clarkson, Clerk to the house of Representatives.

Major Blanchard was desired to go up to Council Board & desired that the King's writ for calling this Assembly may be laid before the house.

Ordered, That Thomas Packer, Esq. high sheriff lay his Pre-
[p. 239.] cepts for calling this Assembly before the house with ye Returns.

Mr. Blanchard brought the King's writ down.

Thomas Packer Esq. bought the precepts & Returns into the house & laid them on the table.

Voted, That Mr. Speaker, Colo Weare, & Mr. Waldron be desired to prepare an Answer to his Excellency's speech & lay it before the house as soon as may be.

The house proceeded to settle Rules for Governmt and Regulation of the house.

Voted, That the Rev. Mr. Langdon & the Rev. Mr. Haven be desired to attend upon the house every morning alternately & pray with them, & Mr. Russell & Mr. Clarkson are directed to inform them thereof. Adjourned.

Saturday, Jany 30th 1762.

Mr. McKean desired liberty to come into the house, & being admitted presented a petition signed by Matthew Thornton, Esq. & 143 others, Inhabitants & freeholders in the Town of Londonderry, representing some *on* fair & Illegal proceedings at their town meeting, for Electing a Representative &c. & praying that the election of Col^{o}. Saml Barr Esq. might be set aside.

The petition & papers Relative thereto, being read & are on file,

Both parties agree & desire that the house will give them an Immediate hearing & come to a Determination thereon as soon as may be. Whereupon both parties were fully heard & after mature consideration, it appearing by the Records of ye meeting & by consent of parties, that there were one hundred & ninety nine voters present, & but seventy two for Col^{o} Barr:

The question being put, whether the Election of Col^{o} Barr was according to Law, it passed in the negative, & therefore,

Voted, That the said Election was Illegal, that it be set aside; that Col^{o} Barr be dismissed from this House, & that a precept be Issued out Immediately from this house for the Town of Londonderry to chuse a suitable person to represent them in Gener^{l} Assembly.

[p. 240.] Jonathan Lovewell Esq, of Dunstable, desiring leave to come into the house, being admitted presented a petition signed by sixty two Inhabitants & freeholders of Dunstable, representing that the meeting held by the Towns of Dunstable & Hollis for the choice of a Representative was irregular & Illegal, & praying that the Election of Mr. Jno Hale might be set aside, &c.

Mr. Hale appearing ready to make his defence & both parties agreeing & desiring that the matter might be Immediately heard & determined; & the papers on both sides being read, & the parties fully heard,

Ordered, That the matter lay for consideration till Tuesday next.

Adjourned.

Tuesday, Feby 2^{d} 1762.

[p. 241.] Voted, That Col^{o} Gilman, Mr. Russell & Mr. Waldron be desired to project a suitable Building to secure the publick Records of this Province from being consumed by fire, to look out for a suitable place to erect it in, make an estimate of the cost, and Report to the General Assembly as soon as may be.

On motion made for choosing a Recorder, it was suggested to the house that the Records were not kept up, that the deeds filed Eleven months past were not recorded or Entered in the books;

& on a motion made the Recorder was sent for, who came into the house.

Mr. Speaker Informed him the house was very uneasy that the Records were not kept up, & desired him to inform the house of the state thereof: He said they were not so far behind he believed as the house was informed, that he could not tell certainly, but that they might be five or six months back, that he did all in his power to keep them up, that the fees were not sufficient, that he had not labourers wages, & prayed a further allowance &c.

The Question being put whether the fees should be raised or not, it passed in the negative.

Voted, That Daniel Pierce Esq, be & hereby is appointed Recorder of deeds & conveyances of Land for this Province, for the space of one year from ye 22^d ultimo, & untill the third day of y^e [p. 242.] next sitting of the General Assembly &c. &c.

Sent up by Mr. Blanchard & Mr. Tappan. [Concurred.]

Wednesday, February 3^d 1762, p. m.

[p. 243.] The house took under consideration ye petition of the Freeholders of the Town of Dunstable & the papers were again read, which are on file—

The papers being read, the matter was Debated in the house, & after great deliberation & mature consideration, the Question was put, whether the Election of Mr. Hale was according to Law, it passed in the negative, therefore

Voted, That the said Election be set aside.

The Question was put, whether the Election of Jonathan Lovewell Esq. was according to Law; which also passed in the negative & therefore,

Voted That the said Election be set aside.

Adjourned.

Thursday, Feby 4th 1762.

The Committee appointed to prepare an answer to his Excell^ys speech, informed the house that they had prepared an answer thereto, which was read & ordered to be Engrossed, & is on file.

Answer to the Governor's Speech.

[Copied from MS. Gov^rs Mess^a Vol. III, p. 187.]

Province of N. Hamp^r } In the house of Representatives Feby 4th 1762.

Voted, That the following answer be sent to his Excellency the Governor's Speech of the 29th past.

May it please your Excellency—

We the Representatives of his Majesties most dutifull & loyal subjects of this Province of New Hampr in Gen. Assembly convened having your Excellys speech of ye 29th past under consideration beg leave sincerely to congratulate yr Excelly on the Honor which our most gracious Sovereign has been pleased to confer upon yr Excelly in your appointment to the Government of this Prove. Under the administration of so glorious a MONARCH & a GOVERNOR born among us, what may we not hope for? Our Privileges civil & Religious will surely be protected & preserved, & the best Interests thereof promoted.

Your Excellys paternal administration will make us a happy people & the people's Hearts glowing with gratitude, loyalty & faithfullness will render yr Excelly happy in your Government.

His Majestys 24th Instruction shall be the object of our most serious consideration & our conclusions thereon we hope will be agreeable to your Excy. for the honor of the King & the good of his Loyal subjects our constituants.

As the dispatch of publick business will be of great advantage to the common weal, we hope your Excys orders for laying the muster Rolls of Colo Goffs' Regiment, the Treasurer's Accts & other things necessary for our inspection before us, will be early comply'd with, & the hearty disposition of this House for dispatch will (we doubt not) appear to your Excys satisfaction.

We are truly concerned that the works at his Majesty's Fort William & Mary are in such situations as yr Excelly is pleased to represent them; pray that your Excellency will be pleased to order a plan thereof to be laid before the House & it shall be one object of our attention to act thereon according to our ability under our present distress'd circumstances.

What backwardness former assemblies have shown in providing amply for your Excys Honble support, you'l please to excuse us from accounting for, and such support as the Province is able at this difficult season we shall readily grant & provide for, which we trust will be honorable & such as may render yr Excys administration pleasant & delightfull, & as you are pleased to rely that this house will act consistantly in all points, we hope that with regard to this and every other matter wch may be laid before us in the course of the session, you will have no just cause to alter your seniments.

We thank your Excy for saying that "you have nothing more in view "than to promote the true interest of the Government," & beg leave to assure yr Excy that the Honor of his Majesty, yr Excellys happiness & the true Interest of our constituants lay near our Hearts, & that we shall do all our power to promote those great & good ends.

Mr. Speaker ordered his Excellency's Speech to be read & his Majesty's 24th Instruction, & then proposed to the house Immediately to take the subject matter of the Instruction under consideration; [p. 244.] & while he was opening the nature thereof, the Honble Theodore Atkinson Esq. came into the house & said he was directed by his Excellency the Governor to Dissolve the General Assembly, & accordingly that they were

DISSOLVED. (a)

[Votes, Accts, bills, &c. passed by the House and concurred by the Council, from Jany 27th to Feby 4th 1762.]

(a) Jour. C. & Assem. A Committee to tell over & burn the money in the Treasury.

A Committee to examine the muster Rolls, viz. Col. Gilman, Mr. Waldron & Mr. Clarkson.

Acc^{t} of Thos Packer's for conducting the Lieut Govr into the Province, allowed £21 : 7 : 6.

[Note.] Present in Council, Feby 4th 1762.

His Excellency the Governor.

Theodore Atkinson	Esqrs.	Daniel Warner	Esqrs.
Richard Wibird		Joseph Newmarch	
John Downing		Mark H^{s} Wentworth	
		William Temple	

[P. 245.] *Anno Regni Regis Georgii Tertii Magnæ Brittaniæ, Franciæ et Hiberniæ, Secundo.*

A Journal of the House of Representatives at a General Assembly of his Majesty's Province of New Hampshire in New England, begun & held at Portsm° in said Province, being the second Wednesday in said month.

Wednesday March 10th 1762.

The members Met agreeable to the King's Writ at 10 o'clock before noon. [Adjourned from time to time till]

Friday March the 12th 1762.

Mr. Secy, the Honble Daniel Warner & Mark H. Wentworth Esq. came down & administered the oaths appointed instead of the oaths of supremacy & allegiance, to all the members present, being twenty nine in number as set down for this day & saw them subscribe the Declaration.(a)

(a) Jour. C. & Assem. March, 19, 1762. The high Sheriff made a Full Return of the King's Writ for calling an Assembly as follows, viz

Portsmo' Henry Sherburne Esq.
Eleazer Russell, Esq.
Andrew Clarkson.
Dover, Capt. Thos Wk Waldron
Capt. Howard Henderson
Hampton, Jona. Moulton, Esq
Christopher Toppan, Esq
Exeter, Peter Gilman, Esq.
Mr. Zebn Giddings
New Castle & Rye, George Frost
Richd Jenness, Esq.
Kingston, Mr. Benj. Stephens.
Hampton Falls, Coll. Meshech Weare,
Newington, Richd Downing, Esq.
Stratham, Andrew Wiggin, Esq.
Londonderry, Saml Barr, Esq.
Durham, Maj. Joseph Smith, Esq.
Greenland, Clement March, Esq.
Newmarket, Joseph Smith, Esq.
South Hampton, John Page, Esq.
Chester, Samuel Emerson, Esq.
Plastow & Hampstead — Capt. John Carlton.
Salem & Pelham — Mr. Joseph Wright
Hollis, Mr. John Hale
Somersworth, Capt. John Wentworth
Merrimack & Monson — Joseph Blanchard
Nottingham West & Litchfield — Capt. Saml Greeley.
Amherst & Bedford, Col. John Goffe, Esq.
Kensington, Capt. Ezekl Worthen
Barrington, Mr. Jona Church
Rochester, Lieut. John McDuffee.

[P. 246.] [Honble Henry Sherburne, Esq. was chosen Speaker, and approved by the Governor.] [And Andrew Clarkson was chosen, Clerk.]

Mr. Secy came down and desired the attendance of the house at the Council Board. Mr. Speaker & the house immediately attended when the Honble Theodore Atkinson Esq. read his Excellency's Speech to both houses of the 11th Instant.

Governor's Speech.

[Copied from MS. Gov^rs Mess^a Vol. III. p. 191.]

Gentlemen of the Council
and of the Assembly—

His Majesty's Commands signified to me by the Earl of Egremont, one of his Majesty's Principal Secretarys of State, in his letters to me of the 12th of December, 1761, and the requisition made by Sr Jeffrey Amherst in his letters of the 9th & 21st of February in consequence of the King's Commands, are objects worthy your closest attention; and that I may pay the earliest obedience to them on my part I esteem it my duty to open this session by recommending only to your consideration the Levies his Majesty has been graciously pleased to demand from this Government, And that no doubts may arise to Impede this Essential service, I shall order the Earl of Egremonts letters, with Sr. Jeffrey Amherst's above referred to, to be laid before you, by which you will discover the necessity of giveing the utmost dispatch to your resolves.

Whatever else may be for his Majesty's service & the good of the Province, I shall in the course of this session communicate to you by Messages, particularly I shall be mindfull of the Rolls of Colonel Goffs regiment, as soon as the proper officer comes to town.

B. Wentworth.

Council Chamber, in
Portsmouth, March 11th, 1762.

Letter of the Earl of Egremont.

[Copied from MS. Gov^rs Mess^a Vol. III, p. 193.]

Whitehall, 12 Decr 1761.

Sir—

As the King has nothing so much at heart as to secure & Improve the great & important advantages gained since the Commencement of this War, in North America, & having seen his good Dispositions to restore the publick Tranquillity intirely frustrated by the insincerity & chicane of the Court of Versailles in the late Negotiation; and as nothing can so effectually contribute to the great & essential object of reducing the enemy to the necessity of accepting a Peace, on Termes of Glory & advantage to his Majesty's Crown & beneficial in particular to his subjects in America as the King being enabled to employ as immediately as may be, such part of the Regular forces in North America as may be adequate to some great & important Enterprize against the enemy: I am Commanded to signify to you the Kings Pleasure that, in order the better to provide for the full and Intire security of his Majesty's Dominions in North America and particularly of the portions of his Majesty's Conquest there, during the absence of such Part of the Regular Forces, you do forthwith use your utmost Endeavours and Influence with the Council & Assembly of your province to Induce them to raise with all possible Dispatch, within your Government, at least the same number of men they Raised the last year, Viz. Two thirds of what had been levied for the former Campaigns, & forming the same into Regiments, as far as shall be found Convenient, that you do direct them to hold themselves in Readiness & particularly as much earlier than former years as may be, to march to such place or places in North America as his Majesty's Commander In Chief there shall appoint, in order to be Imployed there, under the su-

preme Command of his Majesty's said Commander in Chief in America in such manner as he shall judge most conducive to the Kings service, & the better to facilitate this Important service, the King is pleased to leave it to you to issue Commissions to such Gentlemen of your Province as you shall judge, from their weight & Credit with the people, and their Zeal for the public service, may be best disposed & able to quicken and effectuate the speedy levying the greatest number of men in the Dispositions of which Comissions I am perswaded you will have nothing In view, but the good of the Kings service & a due subordination of the whole to his Majesty's Comander in Chief, & all officers of the provincial Forces as high as Colonels, inclusive, are to have rank according to their Respective Comissions, agreeable to the Regulations contained in his Majesty's Warrant, of the 30th of Decr 1757, which has been renewed by his present Majesty.

The King is further pleased to furnish all the men, so raised as above, with Arms Amunition, & Tents as well as to order provisions to be issued to the same, by his Majesty's Commissaries in the same proportion & manner, as is done to the rest of the King's Forces: The whole therefore his Majesty expects & requires from the several Provinces, is the levying, Cloathing & pay of the men & on these heads also, that no encouragement may be wanting to this great & salutary service, the King is further most graciously pleased to permit me to acquaint you, that strong Recommendations will be made to parliament in their session next year, to grant a proper compensation for such expences as above, according as the active vigor & strenuous efforts of the Respective Provinces shall justly appear to merit.

It is his Majestys pleasure that you do with particular Diligence immediately Collect & put into the best condition, all the arms issued last campaign which can be any ways rendered serviceable or that Can be found within your Governmt in order that the same may be again employed for his Majesty's service.

I am further to inform you that similar orders are sent by this Conveyance to Massachusetts Bay, Connecticut, Rhode Island New York & New Jersey. The Southern Governments are also directed to raise men in the same manner to be Employed in such offensive operations as the circumstances & situation of the Enemy's Posts & the State & Disposition of the Indian Nations, on that side may point out & require.

It is unnecessary to add anything to animate your zeal in the Execution of his Majestys orders, in this important Conjunction, which is finally to fix ye future safety & welfare of America & of your own Province in particular: and the King doubts not from your known Fidelity & attachment, that you will imploy yourself with the utmost application & Dispatch, in this promising & decisive Crisis—

I am with great truth & Regard—
Sir your most Obedt Hble. Servt
EGREMONT.

Govr of New Hampshire.

Whitehall Dec. 12th, 1761.

SIR—The King having taken into his most serious consideration how highly essential it is to the Interests & security of his subjects in North America yt the Regular Regiments, serving in that country be recruited with all convenient expedition to their full complyments of effectives, & at the same time seeing the impracticability of compleating them from Great Britian, considering how this country is drained, by the great number of men furnished for the various services in all parts of the world: I am therefore to signify to you the Kings Pleasure that you do immediately on the Receipt of this letter exert your utmost Influence to Induce your

province to carry into the most speedy & effectual execution this very important object by immediate Compliance with any Requisition, which Sir Jeffrey Amherst shall in consequence of his Majestys orders, make for furnishing on certain Conditions which he will explain to you such a number of Recruits from your province as he shall demand as their Quota, towards Compleating ye Regular Regiments which have been sent to America for the Defence & protection of the Possessions of His Majestys subjects there, and the King cannot doubt, but that the Provinces will chearfully & readily comply with this reasonable Demand, so obviously calculated for their own security & Advantage, at the same time that your Zeal for his Majestys service will naturally excite you to use all your influence & power in bringing effectually to bear a measure which his Majesty has so much at Heart & with Regard to which any failure or disappointment would be extremely disagreeable.

I have it also in command from the King to acquaint you that tho the present situation of affairs would have fully justified the having Required of the provinces as large a number of men, as they ever have raised for any of the former Campaigns instead of the Quota which was demanded ye last year, yet his Majesty considering the high Importance of the service which makes the subject of this Letter & being desirous to ease the Burdens of His faithfull subjects as far as shall be Consistant with their own safety has been pleased to require only the same number of men as for the last year, in order thereby to facilitate a measure so essential as the Compleating the Regular Regiments by Recruits to be furnished from the provinces in North America; & the King is persuaded, that the said provinces duly sensible of His Majesty's tender & paternal care for their welfare will in return, readily & chearfully comply with the orders now sent you.

I am with great Truth & Regard Sir—
Your most obedt Hble Sert
EGREMONT.

Govr of New Hampshire.

Letter from Gen. Amherst.

[Copied from MS. Corr. Vol. III. p. 185.]

New York 9th Feby 1762.

SIR—

By the General Wall Packett which arrived here this Morning I am Honoured with a letter from the Earle of Egremont, one of his Majesty's Principal Secretaries of state, Bearing Date the 12th Decembr last, Wherein his Lordship is pleased to acquaint me, that as the King has nothing so much at heart as to secure & Improve the Great & Important advantages gained, since the commencement of this war in North America, & having seen his good Dispositions to Restore the publick Tranquility entirely frustrated by the Insincerity & Chicane of the Court of Versailles in the late Negotiations, his Majesty is again obliged to take into his Royal Consideration what ulterior operations can be Enterd upon by such part of the Troops under my command, as can be spared for other service without the least diminution of the full & Entire Security, as well of his Majesty's former Dominions as of those acquired by Conquest in North America. In order that every thing may be in Readiness for an early Campaign, & to be able to Employ an adequate number of the Regular Forces in whatever attack may be Resolved upon, his Majesty has thought it necessary to loose no time in Dispatching his orders to the several Governours in North America, for Levying with the utmost Expedition the same Number of men they Respectively Raised for the last Campaign.

His Majesty's Directions on this subject to the several Governours are so fully specified in the Circular Letter wrote by the Earle of Egremont of which his Lordship has sent me a copy, that it only remains with me, Most earnestly to entreat you to loose no time in convening your Assembly & Laying before them the aforesd Letter of the Secretary of State & that you will forthwith use your utmost Endeavours & Influence with the Council & Assembly, to induce them to raise with all Possible Dispatch within your Government the same Number of men they Raised for the last Campaign.

I cannot think, Sir, that I need urge any Arguments to convince you of the Necessity of an early complyance with his Majestys Commands, as it is more than probable that his Campaign, if opened in time, & carried on with vigour, must be that which will at last compell our Enemy to treat, in earnest, on such Terms, as will be equally Glorious & advantageous for his Majestys Crown, & permanently beneficial to his American subjects; and I therefore trust the Assembly will Enable you to put those commands into immediate Execution, since they Terminate in a point wherein they are so nearly concerned, & that the King's principal object has been for their security as well as their future welfare & Prosperity.

You will observe by the Earl of Egremont's Letter, that as a further Encouragement to a proper Exertion on the part of the Provinces, his Majesty has ordered, as heretofore, that the Provincial force should be victualled in the same manner & in the same Proportions as the Regulars, and that they should be supplied with Arms & Tents at the expence of the Crown: Moreover, that strong Recommendations will be made to Parliament in their session next year, to grant a Compensation to the Provinces according as their Respective Vigour & strenuous efforts shall justly appear to merit.

I have it also in Command from his Majesty to Enjoin you to collect & cause to be put into proper condition all the serviceable Arms that can be found within your Province, for every one of which that shall be brought to the field & shall not Return by Reason of being spoiled or lost in actual service, I shall pay the usual allowance of Twenty-five shillings per Firelock.

As it is very essential to the services I may have in command from the King, that I should be as early as possible Informed of the Resolves of your Assembly on this head, & of the time that the Troops will be ready. I beg that as soon as you are acquainted therewith, you will signify the same to me *by Express*, that I may regulate myself accordingly.

I have likewise received a Letter from the Earle of Egremont of the same Date with the former, signifying his Majesty's Intentions of Compleating the Regular Regiments serving in America, by Recruits to be raised by the several Provinces (over and above the Quotas demanded in the other Letter) on such Terms & conditions as I shall Propose. I shall, in obedience thereto, so soon as I have fixed on the numbers necessary to be furnished by the respective Provinces, communicate to you the Encouragements which his Majesty is graciously pleased to Impower me to give for effecting this most essential service; and in the mean time, I think it my duty to acquaint you of this Intended measure, that you may be prepared for exerting your utmost influence with your Assembly to grant the number of men that I shall be obliged to require of your Province, that his Majesty's Commands may be duly obeyed.

I am, with great Regard, sir,
Your most Obedient
Humble Servant
JEFF: AMHERST.

A true copy, attested
pr Theodore Atkinson, jun. Secy.

General Amherst's second Letter.

[Copied from MS. Corr. Vol. III, p. 189.]

New York, 21st Februy. 1762.

Sir—

As I acquainted you in my Letter of the 9th Instant that I had been honoured with his Majesty's Commands for compleating the regular Corps serving in North America by Recruits to be raised by the several Provinces on such terms & conditions as I should propose: In consequence of these Commands and in obedience thereto, I have duly considered not only the Numbers that will be necessary to be furnished by the Respective Colonies, but the Encouragement to be given to induce the men voluntarily to enter into the service, which I am persuaded, will, if properly backed by the Province, have the desired effect.

The number of men expected from your Province for this service, with the method proposed for Raising them, I shall now lay before you; & the Earl of Egremonts Letter which I herewith Inclose to you will show you how much the King has this Measure at heart, and how Disagreeable any failure or Disappointment therein would be to his Majesty.

The Quota to be Furnished by your Province agreeable to the Proportions from the other Colonies, is one hundred & forty three men. I must therefore most earnestly Request you will use your Utmost Influence with the Assembly to Raise that Number over and above those already Demanded by my Letter of the 9th Instant, by paying them the same Levy money as to the others: And as an Encouragement to Induce the men to Enter into the Regular service, I propose to allow Five Pounds New York currency Bounty Money to each man, not under Eighteen, nor above Forty years of age, who shall Enlist to serve during the War, or until the Regiments Return to Europe; they shall be cloathed & Enter into Immediate Pay, without any further Expence to the Province than their first Levying, and at the Expiration of their time, as above mentioned, shall be sent back to their Respective Homes. And in order to Incourage the Provincial officers to forward this Essential service, I leave it to you to appoint any officer or officers you shall think proper, to persuade the men to enter into the regular service on the above conditions, for every one of which that he shall so Enlist, & that is approved of, by a Regular officer whom I shall appoint for that purpose & the said Provincial officer shall receive a Reward of Forty shillings New York Currency, It will therefore be necessary that I have the earliest notice of the time when you think the men will be raised, that I may send an officer to approve of them, receive them & to pay the Bounty & Reward as already Promised.

I have only to add, that to render this service effectual & prevent Desertion, I shall expect the Province will provide for replacing such men as do desert, which when known, I am persuaded will prevent any of them from leaving their corps, since they cannot expect protection in the Colonies.

You will please to observe that the Execution of this Measure must by no means retard or interfere with the Requisition made by his Majesty for the Provincial service; the King ever mindfull of the ease & welfare of his faithfull subjects, Demands only such assistance as may be granted without subjecting them to any heavy burthen, & therefore has been pleased to make his Requisitions agreeable thereto: And I trust from your known zeal for his Majesty's Honour and the Good of the service, you will Enforce the necessity of both measures, when you meet your Assembly, in such a manner, that as these measures are calculated

for the prosecution of a War in which the Immediate security & future Interest of the Provinces are so essentially concerned, they will cheerfully and Readily comply with his Majestys Commands; and thereby approve themselves faithfull and obedient subjects to the best of Kings.

I am, with Great Regard
Sir, Your most obedient
Humble servant
JEFF: AMHERST.

[P. 247.] Voted, That the Honble Henry Sherburne, the Honble Meschech Weare, Col^o Peter Gilman Esqs. & Capt. Thomas W^k Waldron be desired to prepare an answer to his Excellency's speech & lay it before the house, as soon as may be; & further Voted, That they take under their consideration the subject matter of the several important Letters therein referred to & make Report to this house as soon as may be, & what may be proper for this government to do thereon at this critical conjuncture & crisis.

The petition of the freeholders of Durham representing that the meeting held by the Town of Durham for the choice of a representative was irregular & illegal & praying that the Election of Major Joseph Smith Esq. who was returned as a member for said Town to represent them in Genl Assembly, might be set aside &c. being read,

The house immediately took the matter under consideration (both parties being fully heard thereon) & after mature consideration & deliberation, the Question being put Whether the Election of Major Joseph Smith Esq. was according to Law, it passed in the negative. Therefore

Voted, That the said Election was Illegal, that it be set aside; That Major Joseph Smith Esq. be dismissed this house, and that a precept be issued out immediately from this house for the town of Durham to chuse a person to Represent them in General Assembly & accordingly one was made out and deliver'd to the high sheriff.

Rules of the House.

[P. 248.] The following Rules being read,
Voted That they be the Rules of this House.

1st That whosoever shall by any misbehaviour in speech or action justly offend any of the members of the house, shall for the first offence be admonished, for the second fined as the house shall see meet.

2^ly That no member speak twice until every member have liberty to speak once if he please.

3^ly That every member direct his Speech to the Speaker and & not to one another, & when any member has a mind to speak to any case that he stand up & ask leave of the Speaker to speak.

4^ly That whenever it happens that there are as many votes on one side of the Question as on the other, without the Speaker, that the Speaker may make the casting vote.

5ly That if the Speaker be absent the house may choose a Speaker pro tempore, that the affairs of the house may be carried on without stop.

6ly That if any member after being qualified and entered shall absent himself at any time without leave from the house, he shall be liable to be fined, at the Discretion of the house.

7ly That if any member of this house shall be by the major part of this house tho't unfit & not qualified for said place, it shall be in their power to dismiss such person, giving notice to the town or precinct where he belongs to choose another to fill up such vacancy.

8ly That every Bill to be passed in this house be read three times & that there be two adjournments of this house before any bill be passed into an act.

9ly That the Speaker with fifteen members be a house to do Business.

10ly That no vote that is passed in this house shall be reconsidered by a less number.

The house adjourned till 10 o'clock to morrow morning.

Saturday March 13th, 1762.

[P. 249.] The Committee appointed to prepare an answer to his Excellencys speech of the 11th Inst. Informed the house that they had prepared an answer thereto, which was read and approved of & is as follows: viz.

Province of New Hampshire } In the House of Representative March 13th, 1762.

Voted That the following answer be sent to his Excellency the Governour's Speech of the 11th Instant.

May it please your Excellency—

Your Excellency's speech to the Council and Assembly of the 11th Instant is now under our consideration, and we beg leave to assure your Excellency that it is the hearty disposition of this house to exert themselves to the utmost of their ability, in complying with his Majestys Commands, and that his gracious Designs may be carried into execution. The speedy accomplishing the business which lies before this house with Regard to the Levies demanded, as well as every other matter necessary for their consideration at this time, will be very agreeable to this house, as not only the great Difficulty of the season of ye year, but every motive call for it and will accordingly have our closest attention: And we apprehend that the immediate paying of the Troops which were in the service of this Province the last year would tend greatly to forward ye raising the Levies now called for. We therefore hope the Muster Rolls relative thereto will very soon be laid before us.

Signed H. Sherburne, Speaker.

Sent by Colo March & Colo Goffe.

Voted That Colo Peter Gilman, Eleazer Russell, Esqs. & Capt. Thomas Wk Waldron be desired to project a suitable building to secure the publick Records of this Province from being consumed

by fire, to look out for a suitable place to erect it in, make an Estimate of the cost & Report to the General Assembly as soon as may be.

[P. 250.] On a motion made and seconded that the Recorders time was out, & the vote for a Recorder pass'd the late Assembly being void by the Dissolution thereof, & the Records at present shut up, therefore,

Voted, That Daniel Peirce Esq. be & hereby is appointed Recorder of Deeds & Conveyances of Land for this province, for ye space of one year from the 22^d of Jany last, & untill the third day of the next sitting of the General Assembly after the expiration of the said term, & that he shall not be qualified to act as Recorder aforesaid, untill he hath given bond with sufficient sureties, jointly & severally, in the sum of one thousand pounds, unto the Honble Henry Sherburne Esq. Speaker of the house of Representatives, & taken an oath for the faithfull discharge of the said office & y^t the fee for recording shall be two shillings a page, each page to consist of Twenty eight lines, Eight words in a line, & six pence for attesting such Record & its being compared with the original, & the same for a copy from the Record, & the attestation thereof, of its being compared with the book, and that the Honble Richard Wibird, Daniel Warner, Henry Sherburne, Esq. Eleazer Russell and Richard Downing Esqs be a Committee & that they or ye major part of them, take the books & papers belonging unto the said office of Recorder into their custody, in case of the Death or Incapacity of the said Recorder, or on the Expiration of the term above mentioned, & them safely keep untill further order of the General Assembly: And its further Voted, That the Committee or the major part of them, take a list of all the books & papers now belonging to the said office, & a Receipt for the same, from the said Recorder, & that they be under oath for the faithfull discharge of the trust, & that a Duplicate of s^d receipt be lodged in the Sec^ys office, the above fees are to be taken in new Tenor only. Sent up by Messrs Moulton, Barr & Emerson. [Concurred.]

[P. 252.] Wednesday March 17th 1762.

Capt. John Wentworth Returned for Somersworth, took the oaths yesterday & his place in the house.

[P. 253.] Thursday March 18, 1762.

The Bill for Levying five hundred & thirty four able bodied effective men as provincials for the present years Expedition, & for

Raising & Levying one hundred & forty three men for Recruiting his Majesty's Regular forces in North America, having been read three times,

Voted, That it pass to be Enacted. S. H. S. S.

Sent up by Messrs Gilman, Gidding, Moulton and Capt. Waldron. [Concurred and passed by the Council.]

[The following is the Act above referred to—Copied from MS. Corr. Vol. III. p. 219.]

Anno Regni Regis, &c.

L. S.

An Act for granting unto his Most Excellent Majesty the sum of Ten Thousand pounds Sterling for Levying, Clothing & Paying Five hundred & thirty four men for securing his Majesty's Conquest in North America & for Levying One hundred & forty three men for recruiting his Majesty's Regular Corps in North America.

Whereas it is his Majesty's most gracious Intention by the most vigorous prosecution of the War to Reduce the Enemy to the necessity of accepting a peace on terms of Glory and Advantage to his Majesty's Crown & beneficial in particular to his subjects in America, & Whereas his Majesty has been pleased to signify that it is his Royal Will and Pleasure that this Province raise with all possible dispatch the same number of men as were raised within the same for the last Campaign, & that all his Majesty expects from the Government is Levying, Clothing & paying the men, and that strong recommendations will be made in Parliam^{t} to grant proper compensations for these Expences also, according as the Active vigor & strenuous efforts of the Province shall merrit, & Whereas it is his Majesty's further will and pleasure that there should also be raised in this Province one hundred and forty three men for Recruiting his Majesty's Regular Regiments, serving in North America to be in his Majesty's pay:

His Majesty's most dutifull subjects of this Province being disposed to exert themselves at so important a Crisis notwithstanding their present distressed circumstances, humbly relying on his Majestys Royal Bounty & Compassion for such Relief as his great goodness may think proper to afford:

Be it Enacted, by his Excell^{y} ye Govern^{r} Council & Assembly, that his Excellency the Governor be (& he hereby is) requested & desired to cause to be enlisted Five hundred & Thirty Four able bodied & effective men, officers included to be employed in securing his Majestys conquest already made within the Northern Districts of North America, on this Continent, under such General officer as is or may be appointed by his Majesty to take the Command of them & that they be in the pay of this Governm^{t} till the first day of Novr next, unless sooner dismissed; provisions, arms, ammunition, & Tents to be provided by the Crown, that they have such pay Rewards & Gratuitys as shall be given by the Governour, Council & Assembly, the wages (except what is to be advanced) to be paid when the muster Roll shall be made up & allowed by the Governour, Council & Assembly, and,

Be it Enacted, by the Authority aforesaid, That his Excell^{y} the Governour be also desired & he is hereby Requested and desired to cause to be Inlisted one hundred and forty three able bodied & effective men, besides the above mentioned Five hundred & thirty four, the said one hundred & forty three men to be in his Majesty's pay for Recruiting his Majestys Regular Regiments, to have the same bounty for Inlisting advanced by the Province as the other Forces and to be sent home when

the service is over, and for defraying the heavy charge thereof under the present distressed circumstances of the Province—Be it enacted &c. &c.

The Act from which the two above enacting clauses are taken passed the Assembly, March 18th 1762, concurred by his Majesty's Council the 22d & consented to by the Governor the same day. [See Journal of the House, May 27, 1762.—Ed.]

Attt A. Clarkson, Clerk.

[p. 254.] Whereas an act was this day passed in ye Assembly for raising five hundred & thirty four men for his Majesty's service the present year, officers included, therefore,

Voted, That his Excellency be & he is hereby desired to form them into five Companys & that they be allowed the following wages, Rewards & bountys, viz.

1 Colonel	pr month, sterling			£15: 0:0
1 Lieut Colonel	pr	do.		12:10
1 Major	pr	do.		10:
1 Adjutant	pr	do.		3:
1 Quarter master,	pr	do.		3:
5 Captains	pr	do.	Each,	6:
10 Lieutents	pr	do.	do.	3:15
5 Ensigns	pr	do.	do.	2:12:6
20 Corporals	pr	do.	do.	1:12:
20 Sargeants	pr	do.	do.	1:15
5 Drummers	pr	do.	do.	1:12
460 Privates	pr	do.	do.	1:10
1 Chaplain, £6. If an ordained minister,				7:10
1 Surgeon	pr	do.		7:10
1 Surgeon's mate	pr	do.		6:10
1 Armorour	pr	do.		2:

534 men.

That each able bodied private & non commissioned officer who voluntarily Inlist shall have a bounty of four pounds sterlg, that thirty shillings thereof be paid at the time of his Enlisting & the other Fifty shillings when he shall pass muster, to provide himself Cloaths, that each man be allowed a blanket, that the Enlisting officers be allowed two shillings sterling for each able bodied & effective man they shall Enlist, & be accountable for all money paid to non-effectives, yt officers Enter into pay at the time of their Beating orders, & privates at the time of their Inlistment, that officers & soldiers be allowed six pence sterlg pr Day for Billeting from the time of their passing muster till they Receive the Kings provisions, that each Captain leave an attested copy of his muster & Billeting Rolls in the Secys office before his marching, & that [p. 255.] no officer or soldier Receive pay in two capacities, that no sutler be put into any of the rolls to Receive pay, that each officer & soldier Receive one months pay before Marching.

Sent up by Wentworth & Tappan. [Concurred.]

Adjourned till 3 oclock

P. M.

Mr. Sheriff Packer being admitted into the house presented the precept & the Return thereon, for Jos. Blanchard Esq. to represent the Towns of Merrimack & Monson in General Assembly & Retired.

Mr. Sec^y came into the house & informed that Joseph Blanchard Esq. had taken the proper oaths appointed to be taken & signed the same.

[p. 256.] One of the members brot into the house the petitions of Merrimac & Dunstable, signed by a large number of the freeholders of Each of said Towns, praying that the Election of Joseph Blanchard Esq. returned for Merrimack & Monson, Capt. Saml Greeley for Nottingham West & Litchfield, Capt. Jonathan Carlton for Plastow & Hampstead, Mr. Joseph Wright for Salem & Pelham, & Col. John Goffe, Esq. for Bedford & Amherst might be set aside, being contrary to the Constitution & Laws of the Government.

Friday March 19, 1762.

[p. 257.] Voted That the Honble Meshech Weare Esq. be & he hereby is desired to examine & Scrutinize on the Laws of this Governm^t, lately Revised (& printed) by a Committee for that purpose, Appointed by the three branches of the Legislature, make his remarks thereon & lay the same before the General Assembly as soon as may be, and that he be allowed & paid a handsom gratuity therefor. And further desired that every member do the same & lay ye several minutes of scrutinize thereon before the Genl Assembly at their next meeting, in order this house may be better able to judge & determine whether it would be most salutary for this Governm^t to have them past & Enacted to be the Laws of this Province.

Voted, That Col^o Weare & Col^o Gilman be a Committee of this house to consult & prepare a bill, for saying what towns in this Governm^t shall send members to Represent them in Genl Assembly, either by their proportion of the Province Tax or number of Inhabitants, & lay the same before the house as soon as may be for their approbation or disallowance.

[p. 259.] Wednesday March 24th 1762.

The Speaker being ill & not able to attend, the house made choice of the Honble Meshech Weare Esq. for their Speaker pro Tempore, who accordingly took the Chair.

The Committee for Examining Muster Rolls Brot into the House all the Muster Rolls for the last years Campaign, being signed by the Chairman of s^d^ Committee, & said they were Examined and made Right, laying them on the Table.

The house immediately took the Muster Rolls under consideration, and

Voted, That the muster Roll of the Staff officers John Goffe Esq. Col^o^ for seven men under the Command of his Excellency, Genl Amherst, be allowed & that the Ballance amounting to four hundred & thirty Eight pounds two shillings be paid out of bills [p. 260.] Emitted by act of Governm^t^ for that purpose, now in the Treasury that the balance due to each person as carried off against his name be paid to him, his order or Legal Representative. Also voted, That no person mentioned in or on this Roll who received money of the Kings officers for billeting &c. of the Treasurer or of the Committee of War for the use of the Expedition the year past, receive any Balance due to him or them untill they have settled the same with said Committee & produced to them each man's Receipt for any Dollars paid them on the Governments account to come home.

£438 : 2. Sent up by Messrs Giddens, Moulton, Blanchard & Worthen. (Concurred.)

Voted That the Muster Roll of Capt. John Hazzen for one hundred and fifty four men in the last years Expedition under the Comand of his Excellency General Amherst in Col^o^ John Goffes Regim^t^ be allowed & that the Ballance of wages amounting to seven hundred twenty three pounds seventeen shillings & seven pence sterling, be paid out of Bills emitted by act of Governm^t^ for that purpose now in the Treasury, that the Ballance for wages due to each person as carried off against his name be paid to him, his order widow or Legal Representative Except minors whose parents masters or guardians shall be deemed their Legal Representatives. Also voted, That no person or persons mentioned in or on this Roll who received money of any of the King's officers on the Province account, of the Treasurer or of the Committee of War for the use of said Expedition, or who have made any stopages in said Roll against officers or privates for themselves or others (so far as relates to this Province) Receive any Ballances due to him or them from the Province till they have settled for the money so Received with said Committee (the Sutlers only excepted who are allowed to Receive such Stopages as they have in this Roll) & produced to said Comittee each man's receipt for his billeting money, each mans Rec^t^ for any Dollars paid them on the Governments account to bring them home, & each Captain shall also furnish said Committee with the number of men and their names in their Respective Companys who have not received any money to bring them home, in order that they may be paid.

£723 : 17 : 7 Sterling. Sent up by Messrs Giddens, Moulton, Blanchard & Worthen. [Concurred.]

NOTE.

[All the Muster Rolls, presented at this time, were passed on the same conditions as the above, and were concurred by the Council: viz. as follows:] ED.

[P. 261.]

Capt. John Hazzen's,	Muster Roll,	150 men,	£723 : 17 :	7 Sterg
Capt. Nehemiah Lovewell's	do.	71 men.	309 : :	8 do
Capt. Joseph Chandler's	do.	59 men	288 : 18 :	do
Capt. Jacob Tilton's	do.	88 men	360 : 14 :	2½ do
Capt. Saml Garrish's	do.	79 men,	358 : 13 :	2 do.

AN ABSTRACT OF ALL THE MUSTER ROLLS FOR THE YEAR 1761, IN COL° JOHN GOFFE'S REGIMENT, UNDER THE COMMAND OF HIS EXCELLENCY GENERAL AMHERST.

What & whose Roll for the year 1761.	Number of men	Number of deserters	Whole amount of wages.	Advance pay.	Col. & Capts Collum	Sutler Wards Collum.	Sutler Porters Collum	Balance due each man.
				£	£	£	£	£
Staff Roll	7	0	£495 12 0	57 10 0	0 0 0	0 0 0	0 0 0	438 2
Capt. John Hazzens Roll	154	3	1554 16 9	238 2 6	102 0 6	495 6 2	0 0 0	723 17 7
Capt. Neh^a Lovewells do.	71	0	819 11 10	116 12 6	49 5 6	278 6 5	65 19 5	209 8
Capt. Jos: Chandlers do.	59	5	610 15 4	97 2 6	38 2 11	194 1 11	0 0 0	288 18
Capt. Jacob Tiltons do.	88	2	936 1 1	142 2 6	68 8 8	367 15 2½	0 0 0	360 14 2½
Capt. Saml Gerreshes do.	79	7	846 2 2	128 12 6	31 19 10	337 12 8	0 0 0	358 13 2
	458	17	£5263 5 2	780 2 6	289 17 5	1673 2 4½	65 19 5	2479 12 11½
N. B. Add £25 : 10*s.* to the whole Amount of wages for ye seventeen Deserters at 30*s* each & it checks all these Rolls save 6*d* wch is in Capt. Tiltons Rolls, & must be added to the Ball^a Collum to check the Rolls			25 10	To Sutler Porters stopages pr Collum				65 19 5
				To Sutler Wards do. pr ditto				1673 2 4½
				To the Col° & Capts. do. pr ditto				289 17 5
				To advance pay do. pr ditto.				780 2 6
	Sterling		£5288 15 2				Sterling	£5288 14 8

458 17
17

Number of men paid 441

Thursday March 25th 1762, P. M.

The Bill for saying what towns in this Government shall send a member or members to Represent them in General Assembly, and how said Towns shall be Qualified to send one or more, & the certain number they may send under such Qualification, being read the first time,

The house immediately took the matter under consideration, & after great Deliberation & mature consideration, it was put round by the Speaker, Whether the Towns to be Quallified to send a member or members to represent them in General Assembly should be, by their proportion paid in Province Tax, or by the number of Voters in each Town or Towns, as should be agreed on hereafter to cupple, & by yeas & nays it passed that it should be by the number of Voters, & them Qualified Voters to be one hun-
[P. 263.] dred & Twenty at least; then the house after sundry Debates on said Bill,

Ordered, That the Bill be recommitted to the Committee appointed pr vote of the 19th Instant for amendment.

Letter from the Governor.

[Copied from MS. Corr. Vol. III. p. 197.]

Portsmouth, March 25th, 1762.

Sir—

In consideration of the scarcity of provender to support the members horses &c. I have tho't it for his Majesty's service that the Genl Assembly should be prorogued to Tuesday the 27th day of April next, if every thing relative to paying the men & this Expedition is finished.

You will be pleased, if these things are done, to give orders to the Secretary to prorogue them this evening accordingly & without notice.

I am, Sir

Yr most hum. Servt.

B. Wentworth.

Col. Atkinson.

Fryday March 26, 1762.

Mr. Secretary came down & said he was directed by his Excellency the Governor to acquaint the General Assembly that he had prorogued them to Tuesday the 27th of April next, & then to meet at 10 o'clock before noon, and said accordingly In his Majesty's name this house was Prorogued.(a)

[Votes, Accts, bills &c. passed by the house & concurred by the Council, from March 11th to March 26, 1762.]

(a) *Jour. C. & Assm.* Vote for a Committee for telling & burning money.

Vote for a Committee to get proper furniture for the Council & Assembly Chambers in the State House.

Samuel Dyer's acct. for services in obedience to the high sheriff, allowed, £14 : 7 : 6, new Tenor.

Nath[l] Melloon allowed, for himself & family captivated & carried to Canada in 1755, £10 sterling.

Tuesday, April 27th 1762.

The General Assembly was further Prorogued to Tuesday the 11th day of May next, by his Excellency's Proclamation, as appears by the New Hampshire Gazette of April 23[d], No. 290.

[Again Prorogued to]

Tuesday, May 25th, 1762.

Adjourned till

Wednesday May 26th 1762.

The Speaker not being present, the House made choice of Col[o] Peter Gilman Esq. Speak[r] pro Tempore.

The Sec[y] came down & desired the attend[a] of y[e] members at Council Board.

The house Immediately attended at the board when the Hon[ble] Theodore Atkinson Esq. Read his Excellency's Speech to both houses, & Retired to their Room—a copy of which is on file.

Governor's Speech.

[Copied from MS. Gov[rs] Mess[a] Vol. III. p. 201.]

Gentlemen of the Council
& of the Assembly—

My Reasons for prorogueing the General Court at first, & continueing the same under short Prorogations untill this day are so clearly known that it is needless to explain them—

Colonel Goffs regiment granted for secureing His Majesty's conquests in North America is compleated so far that my orders are Issued for marching to the place of rendezvouz appointed by the General & although they are something short, yet from the Account I have from Capt. Gerrish at Crown point it will be fitted up there on the first of July.

The Grant made for 143 privates to fill up His Majesty's regular Regiments serving in America must prove fruitless unless some other measures are taken to raise the men. The muster master that has passed through almost all parts of the Government, where there was any prospect of Inlisting men has not been able to engage a single man and since these recruits are so essential to his Majesty's service and since any failure in this service will be very disagreeable to the King as my Lord Egremont has expressly declared in his Letter to me on this subject; I cannot doubt of your united Counsels & firmest efforts to enable me effectually to obey His Majesty's Commands.

In Consideration of the Impossibility of compleating the Kings regiments from our mother Country & the necessity of its being done Immediately I must recommend it to you that you make it the first object

of your attention other things may be postponed but this cannot, and when you have Considered the vast aid we have had from Parliament towards carrying on the last & the present war—I cannot think you will hesitate one moment in paying the most compleat obedience to his Majesty's Commands which not only our duty but our Interest calls on us to comply with a Conduct contrary to this will necessarily subject us to His Majestys just displeasure--

His Majesty's 24th Instruction which I laid before both Houses & explained myself so fully thereon, in my speech January 29th last, that it is unnecessary to repeat my sentiments hopeing you will duly consider the Instruction and view it in all the advantages it was Intended to convey to the Government—

Gentlemen of the Assembly,

I shall direct the Treasurer to prepare the Public accounts so far as it concerns him that the state of the Treasury may be known but as it has been represented to me that very considerable sums of the Public money are in the hands of Private persons, I hope you will by an act Impower the Treasurer to recover what may appear to be justly due.

I must recommend it to you that a proper provision be made for Garisoning his Majestys Fort William & Mary at New-Castle as I think the safety of the Government calls for it.

Since the 12th of June 1761, I have only received out of the Treasury £125 Proclamation money, towards my support as the Kings Governor, and I must leave it to you to Judge whether it is for the Honor of the Government even to put it in my power to mention a thing of this nature.

I shall direct the Secretary to Lay before you Sr William Johnson's letter to me of 10th December 1761, and as soon as I have your resolve thereon I shall transmit it to him.

Gentlemen of the Council
& of the Assembly—

I hope for your assistance in giving dispatch to the publick business that comes before you in the course of this session, and that you will contribute all in your power to enable me to execute His Majestys Commands which will give me the Highest satisfaction.

B. Wentworth.

Council Chamber in
Portsmouth, 26th May 1762.

Capt. John Wentworth sent to the Board to inform there was a member in the house not Quallified, viz. Major Joseph Smith called by a Writ from the Speaker thereof.

Mr. Secy came down & said the Council had taken the matter under consideration & that all the members called by the Kings writ was sworn & that if there were any others they thought it would be proper his Excellency should be informed thereof.

Capt. Carlton & Capt. Greely sent to his Excellency to Inform thereof, with the writ by which he was called. Adjourned.

[p. 264.] Thursday, May 27th 1762.

His Excellency's Speech being read.

Voted That the Honble Henry Sherburne, Meshech Weare Esqs.

Peter Gilman Esq. & Capt. Thomas W^k Waldron, be a Committee of this House to prepare an answer to his Excellency's Speech of yesterday's Date, to both houses & lay the same before the house as soon as may be for their approbation.

Mr. Sec^y came down & Informed that Major Smith, a member returned for Durham was Quallified [by his Excellency's order] & had taken the proper Oaths—& Retired.

Major Smith took his place (accordingly) in the house.

Whereas in an Act passed this house the 18th March last provision was made for paying a bounty of four pounds sterl^g pr man to one hundred & forty three Voluntiers for Recruiting his Majesties forces in North America, & whereas his Excellency has recommended that some further provision be made for raising said men, therefore,

Voted That said bounty be six pounds sterl^g for each effective man y^t shall be accepted by the muster master instead of said four pounds mentioned in said Act, & the Recruiting officer shall Receive for each such soldier five shillings sterl^g over & above the bounty promised by General Amherst. Sent up by the Clerk.—[Concurred.]

Capt. John Wentworth sent to the board to Inquire if the sundry acts passed this house before the prorogation were concurred & assented to or not.

Mr. Sec^y came down, laid on the Table the Acts hereafter mentioned & said the Council had not concurred them, viz.

The Excise Bill: Small Pox Act: Riot Act: Act for the Increase of sheep: Act for Regulating high ways in Barrington: the Sabbath Act:

[p. 265.] Adjourned till 3 o'clock

P. M.

Voted That the Treasurer send out his Warrants for collecting the province Tax for the currant year, which may be paid in Species agreeable to the prices fixed & set to the following merchantable articles of the produce of this Province, viz.

Barr Iron	at	£6	pr hundred.
Hemp	at	0: 2:0	pr pound
Indian corn	at	0:10:0	pr bushell
Rye	at	0:10:0	pr do
Peas	at	0:15:0	pr do
Winter Wheat	at	1:10:0	pr do
Barley	at	0:10:0	pr do
Pork	at	0: 1:0	pr pound
Beef	at	0: 0:9	pr do
Flax	at	0: 2:0	pr do
Bees wax	at	0: 5:0	pr do
Baberry wax	at	0: 3:0	pr do
Well tanned sole leather	at	0: 4:0	pr do
Tallow	at	0: 2:6	pr do
Winter & Spring Cod fish	at	4: 0:0	pr Quintle

Pitch	at	3 : 10 : 0	pr barrell
Tarr	at	2 : 0 : 0	pr do
Turpentine	at	4 : 0 : 0	pr do
White pine Joyst	at	6 : 0 : 0	pr thousand
White pine Boards	at	7 : 0 : 0	pr do
White oak two inch plank(1)	at	25 : 0 : 0	pr do

Sent up by the Clerk. [Concurred.]

Friday, May 28, 1762.(a)

[Votes of allowances &c. passed by the house and concurred by the Council.]

(a) *Jour. C. & Assm.* May 29, 1762. £1250 new tenor to the Governor for his more ample support.

£250, for Governor's house rent. N. Ten^r.

£350, New Tenor, for Secretary Atkinson for 1761.

£20 New Tenor, to Thomas Packer, high sheriff, for one year.

£30 new Tenor to Nathl Fellows, door keeper, for year past.

£12 new Tenor to Rev. Mr. Langdon, as chaplain.

£12 new Tenor to Rev. Mr. Haven, do.

£30 new Tenor to Matthew Livermore, attorney General

£18 : 10, new Ten^r to Andrew Clarkson, for stationery &c.

Allowed, Valentine Clark, £11 : 0 : 6 sterling, and James Allard, £10 : 17 : 6, sterling, wrongfully made up as deserters.

Allowed acc^t of Capt. Thomas Bell for supplys to Fort Wm. & Mary £220 new Tenor.

Allowed Muster Roll of Capt. Thomas Bell, for soldiers posted at Fort Wm. & Mary, for wages & Billeting, £1467 : 3 : 10. N. Tenor.

A vote desiring his Excellency to post 8 men at fort Wm. & Mary.

Allowed acc^t of Committee, for impressing money £20 : 18 sterling.

Allowed acc^t of Mrs. Hannah Horney for years house-rent £34 : 6 new Tenor.

Allowed acc^t of Committee to prepare papers &c. to send home, Richd Wibird, chairman, £21 : 9 : 6 sterling.

Allowed Thomas Kennedy, wrongfully charged as deserter £11 : 16 : 10 sterling.

The petition of Joseph Blanchard Esq. praying Relief against the Executrix of his father's will, she being by said petition set forth as non compos, granted.

[p. 267.] Whereas the allowances made the Honble Council & members of the General Assembly by vote of the 4th day of Jany 1759 is not sufficient for the exteordinary charge & Expence they are obliged to be at, therefore

Voted, That each member of his Majesty's Council be allowed thirty two shillings new Tenor for every day of their attendance in Genl Assembly from the 19th day of Jany 1762 untill the Disso- [p. 268.] lution of the present Assembly, & also one shilling new Tenor pr mile for Travel^g to & from the place of the sitting of the General Assembly every time the General Assembly is adjourned

(1) It will appear, on comparison, that the prices here fixed were very high: owing probably to the great scarcity which at this time prevailed throughout this Province. See pp. 150, 274, 831, of this volume.—Ed.

or prorogued from Saturday till Monday or for any longer time during the said Term, the same to be paid by the Treasurer upon a Certificate from the Sec^y. Also that each member of the house of Representatives be allowed the sum of thirty shillings new Tenor for every day of their attendance in General Assembly from the 19th Day of Jany 1762, untill the Dissolution of the present Assembly: Also one shilling New Tenor per mile for Traveling to & from the place of the sitting of the General Assembly every time the General Assembly has been or shall be adjourned or prorogued from Saturday till Monday, or for a longer time Except such as live more than twenty miles Distant from the place where the General Assembly sitts, who are not to be allowed Travel unless when the General Assembly has been or shall be adjourned or prorogued for a longer time than from Saturday to Monday, but when the adjournment or prorogation hath been or shall be from Saturday to Monday, instead of Travel to be allowed One Day's pay & that the said members be paid by the Treasurer upon a Certificate from the late Clerk of the house of Representatives.

And that the Clerk of the house of Representatives be allowed the sum of thirty shillings new Tenor pr Day for each Day of his attendance in General Assembly in that capacity (Exclusive of his wages as a member of the House of Representatives) to be paid him by the Treasurer upon a Certificate from the Clerk of the House of Representatives—all these allowances to be paid out of money in the Treasury for support of Government. Sent up by Col° Barr & Major Downing, June 9 1762. [Concurred & consented to by the Governor.]

Adjourned till 3 o'clock

P. M.

The Bill Intituled An Act in addition to an act for the call^s & electing of Assembly men & their qualifications, read a third time.

Voted, That it pass to be enacted. Signed, H. S. S.

Sent up by Wentworth, Hale & McDuffee. [Concurred with some amendments.]

Monday May 31st 1762.

[p. 272.] Whereas Col° John Goffe Esq. of the New Hampshire Regim^t for the year 1762 has made application to this house this day that there might be an allowance made for the officers table in s^d Regim^t the present year.

The house took the matter under consideration Immediately &

Voted That there be allowed six pounds sterl^g pr month for the support of the officers Table this present year during the campaign & sent up for concurrence by the Clerk.

[p. 273.] Wednesday June 2d 1762.

Whereas the practice of supplying the Troops Raised by this Province (in reducing Cannady) has been chiefly done by sutlers which has been so mannaged & the men so indulged in spending upon their wages in Camp that several have not had anything to Receive when the Rolls have been made up, Therefore

Voted That no stopage shall be put into the Rolls to be made up for the Troops now in the service of this Province for more than one half of the wages due to each soldier.

Sent up by Mr. Jennes. [Concurred.]

[p. 274.] Joseph Blanchard Esq. presented the petition of Danl Peasly for expenses of John Bradle having had the small pox & the acct Relative thereto being read, & on comparing the Acct & petition 'twas found on scrutiny that the petition was not signed by Danl Peasly ye petitioner, & on the Speaker asking Major Blanchard when Mr. Peasly signed said petition, Mr. Blanchard answered, About a fortnight ago. Mr. Speaker asked him if Peasly signed the petition signed Daniel Peasley, which he had presented to the house this day. Mr. Blanchard answered No, but that he signed it himself. Mr. Speaker told him he thought it a very Extraordinary thing for any member that had the honor to sitt in this house to presume to counterfeit any man's hand to a petition & present it to this house, &c——

Adjourned till 3 o'clock

P. M.

The petition of James Bean, Benja Scribner & Job Kenniston of Brintwood in this Province in behalf of themselves & sundry others of the people called Quakers now or late of said Brintwood, praying Relief in their Province Tax laid on them as Quakers for not sends ye proper Quoto of men in the Army &c. being read,

Voted, That the petitioners be heard thereon the 10th Instant, If the Assembly be then sitting, if not then on the third day of their sitting next after, & that they at their own cost and charge cause the Select men of Brintwood to be served with a Copy of this petition & order of Court thereon, that they may appear & show cause if any they have why the prayer thereof should not be granted. Sent up by Mr. Stevens. [Concurred.]

[p. 275.] Friday June 4th 1762.

This being the Kings birth day.

Mr. Secy came into the house & said his Excellency should be glad to wait on the Speaker & house at his seat at Little Harbour to drink the King's health & then adjourned the General Assembly till 9 o'clock tomorrow A. M.

Saturday June 5th 1762.

Whereas this house has been Informed that an application has been made to his Excellency the Governor of this Province for Liberty to Exhibit plays & Theatrical Entertainments in the Town of Portsm° in said Province, which is yet under consideration, & as this house apprehends such Liberty would great effect the Interest as well as morals of the people they represent, Therefore

Voted, That an Address & Request of this house be presented to his Excell^y that he would be pleased to discountenance & deny all such proposals at least at this time, for the following reasons, viz:

Because where such Entertainments are a novelty they have a moar peculiar influence on the minds of young people, greatly [p. 276.] Indanger their morals by giving them a turn for Intriguing amusements and pleasure, even upon the best and most favourable supposition that nothing contrary to Decency & Good manners is Exhibited yet ye strong Impressions made by the Gallantries Amours & other moveing Representations with which the best Plays abound will dissipate & indispose the minds of youth not used to them, to every thing Important & serious, & as their is a General Complaint of a prevailing turn to pleasure & Idleness in most young people among us, which is too well grounded, the Entertainments of the stage would Inflaim that temper; all young countries have much more occasion to Incourage a spirit of Industry & application to business than to countenance Schemes of amusement and allurements to pleasure.

That it would be more especially Improper & Extraordinary that such Entertainments should be first introduced when the people are labouring under the calamities of a famine (for such the late scarcity upon the whole may justly be Estimated) (1) the effects of which will be felt for years to come, and though there is at present some Relief, yet as that is only by Importation & on which we must depend for months to come, the distress is far from being removed; Add to this that we are still deeply Ingaged in an Expensive war from which there is no present prospect of Deliverance & that curiosity will tempt the youth in the remotest parts of this Province to take a journey to Portsmouth to see such rarities, & those who lately begged a Dollar to buy a little Bread will purchase more for a sight of them, by wch means all the valuable part of our Cash will have another way of

(1) "No sooner were the operations of the war in the Northern Colonies closed, than two years of scarcity succeeded; (1761 and 1762,) in which the drought of summer was so severe, as to cut short the crops, and render supplies from abroad absolutely necessary. Had this calamity attended any of the preceding years of the war, the distress must have been extreme, both at home and in the camp. During the drought of 1761, a fire raged in the woods, in the towns of Barrington and Rochester, and passed over into the county of York, burning with irresistible fury for several weeks, and was not extinguished till a plentiful rain fell in August."

[Farm. Belk. Vol. I, p. 322.—Ed

exportation besides the purchase of provisions, for these and many other Reasons, this House prays your Excellency's negation upon this motion. Signed H. S. S.

Sent up by Messrs Jennes & Hale.

[The following Petitions relating to the establishing a Play House in New Hampshire, are copied from MS. Papers in Secretary's office—"Towns," Vol. VI. pp. 55-64.

PETITION FOR A PLAY-HOUSE AT PORTSMOUTH.

Province of New Hampshire.

To his Excellency BENNING WENTWORTH Esq. Governor and Commander-in-Chief in and over his Majesty's Province of New Hampshire: The Petition of sundry of the Inhabitants of Portsmouth, in the Province of New Hampshire—*Humbly Shews:*

That the Subscribers understand that there has been a proposal made by one of the actors of the plays, sometime since at Newport, but more lately at New York, to erect a play-house here sometime hence; and that there is a petition presented to your Excellency to inhibit and prevent the same,

Now your petitioners, being informed that the said actors act no obscene or immoral plays, but such as tend to the improvement of the mind and informing the judgment in things proper to be known, in a civil and well regulated society: Your Petitioners pray your Excellency not to discourage, but rather forward the same; and your petitioners as in duty bound shall ever pray, &c. Signed June 3d, 1762.

Signed.(1)

Jno Wentworth—	Matthew Livermore
Hugh Hall Wentworth	George Meserve
Thos Martin?	Theodore Atkinson jun.
Nathl Warner	Robt Traill
Jams McDonagh	D. Peirce
John Ley	W. Earl Treadwell
Willm Pearny	Jotham Rindge
Saml Warner	J Livermore?
Pierse Long	Jno Rindge
Monsieur *Bein*burg?	J. Wentworth
Lieut Wm. Babb.	Jonathan Warner
Lieut. Edwd Roby	Josha Wentworth
Wm. Archdeacon	John Stavers
John Wendell	Thos Wentworth
Josha Brackett	Is. Rindge
Thos Rickard	Hall Jackson
James Guppy.	Joseph Hixson
John Codington	James Doyer
J. Fisher	Thos Irwin
John Gardner	Will: Temple
Danl Trowell	Jno Nelson
George Waldron	Jas Nevin.
Zech Foss?	45

(1) The signatures to this and the following Petitions, being autographs are in some cases so poorly written, that the editor is not certain that in all cases he has spelled them correctly.—ED.

Petition against a Play-house, &c.

To his Excellency BENNING WENTWORTH, Esq. Governor and Commander in Chief in and over his Majesty's Province of New Hampshire, and the Honorable his Majestys Council for said Province:

Humbly shews, sundry of the freeholders and other Inhabitants of the Town of Portsmouth, in said Province—That your petitioners have been informed that a motion has been made for liberty for a number of plays to exhibit sundry entertainments of the stage in this town, which your petitioners apprehend would be of very pernicious consequences, not only to the morals of the young people, (even if there should be no immoral exhibitions) by dissipating their minds, and giving them an idle turn of attachment to pleasure and amusement, with other ill effects, which there is the greatest reason to fear from such entertainments in a place where they are a novelty. Add to this, that such a time of general distress, where in the people here have lately suffered for want of the necessaries of life, and which is not yet entirely over, is more peculiarly improper for such amusements, which are always destructive to a new country, but especially at a season when there is the utmost need to raise and promote a spirit of industry:

Wherefore, for these and many other reasons, your petitioners humbly pray that no such liberty may be granted: and if assumed, that they may be restrained, and your petitioners shall ever pray, &c.

Signed.

Henry Sherburne	Sam[l] Waters
Eleazer Russell	Daniel Jackson
A. Clarkson	John Beck
Sam[l] Penhallow	Tho. Hatch
William Knight	John Flagg
John Penhallow	John Griffeth
Daniel Rogers	—— Barrett?
Charles Treadwell	Step[n] Parker
Paul March	Samuel Griffith
Gregory Panell?	Noah Parker
John Newmarch	Nath[l] Treadwell
William Parker	Nehemiah Wheeler
Jos. Allcock	Dan[l] Lunt
William Bennett	Joseph Brewster jr
Thos. Hart	Joseph Brewster
Thomas Palmer	Jacob Treadwell
John Moffat	Tho[s] Packer
James Stoodly	Cutts Shannon
John Shackford	James Clarkson, jun
John Sherburne	Peter Pearse. 40.

To his Excellency BENNING WENTWORTH, Esq. Governor and Commander-in-Chief in and over his Majesty's Province of New Hampshire:

We, the subscribers, inhabitants of the town of Portsmouth, humbly pray your Excellency to prohibit the acting and exhibiting of plays in this town, especially as it would bring on so many burthens and difficulties in addition to those we have so lately suffered for want of the necessaries of life, and carry off the little remaining silver and gold there is in the town; and when people make such difficulties in paying the common and ordinary taxes and charges of government, that the taxes are seldom collected within the year, through the pretence of poverty, with

other objections, too obvious to be mentioned to your Excellency; but especially considering every mouthful of bread we have eat, has been for many months past, and what we shall use mu-t be for many yet to come, Imported, we apprehend it would be destructive to the circumstances of the people, as well as their morals: and as the poor will always imitate the richer, every servant in town will soon turn player. For these and other reasons, which your Excellency knows better than we do, being better acquainted with things of this kind, we humbly pray no liberty for this purpose may be granted at such a remarkable season and time as this.

June 4, 1762. Signed.

John Langdon, A. Clarkson, John Dennet, Sam[l] Penhallow, William Knight } Select-men
Sam[l] Cutt
Jacob Sheaffe
Samuel Hale
Thomas Packer
Tho[s] Pierce
H. Wentworth
Titus Salter
James Clarkson
Mark Langdon
Clem[t] Jackson
D[l] Warner
R. Wibird
Mark H. Wentworth.
John Downing
Jn[o] Knight.
Jam[s] Gooch
Charls Banfill
T. Greenwood
Nathaniel Ball
Thos. Loud?
John Elliot
Abraham Elliott
George Warren
Jonathan Rawlins
John Green
James Marden
James Hight
John Libbey
Samuel Hart
Nath[l] Sherburne
John Marden
Thomas Pencrilly?
Amos Beck
Sam[l] Ball
Daniel Sherburne
William Colton, juner.
John Banfill
Nath[l] Muchamore
Leader Nelson
George Ham
John Homes
Benjamin Loud
Benj[a] Mackay
James Stillson
Enoch Hoag
Chris. Faxson
Rich[d] Hart
Jn[o] Briard
Ste[n] Farrell?
Benj[a] Moses
Joshua Pike
Joseph Cotton
Michael Whidden
Wm. Langdon
Perkins Ayers
Joseph Walker
Thomas Triggs
Joseph Nelsy?
Thomas Chadbourn
John Gunnison
Jer. Libby
Elihu Langley
Rich[d] Fitzgerald
George Boyd, Jun.
Theodore Moses
James ——?
Benjamin Tarltoton
John Tarlton
Richard Tarlton
Thomas Clark
John Norton
William Clark
Joseph Norton
Thomas Cotton
Josiah Leach
H. Sherburne
Nath[l] Peverly
Moses Brewster
John Jones
Edward Cate
John Jones, jun.
Ichabod Clark
Jo ——
Sam[l] Grendle
Samuel Hall
Simeon Akerman
Israel Tibbets
Richard Woods
Go. Janvrin

John Churchell
Barth° Goodwin
Reuben Snell
George Walton
Thomas Clark
Wm. Blunt?
Jos: Tapley
Charles Blunt
Joseph Lowd
John Pike
Nathan Akerman
Phillip Hooker
James Jones
Christopher Huntress
George Ayers, junor.
Sam el Dalling
George Grins
Clement March
Richd Champney
James Grouard
Nathl Mendum
Geo. Boyd.
John Drew Sorward?
Will. Winkley
John How
Wm. Gibbs X Mk.
Joseph Weeks
George Knight
John Redin
Samuel Nutter juner
David Dennet
Charles Dennet
Joshua Downing
Pitman Colbath
David Decker
Joseph Benson
Moses Miller
Benj^a Miller
Mark Miller
Eph^m Dennit
Nathaniel Dennet
William Cotton
Henry Sherburne—Tertius,
Nathl Jackson
Nathaniel Jackson, jun.
Joseph Moulton
John Nelson
Willm Fullerton
Samuel Aris
Wm. Shackford
Temple Knight.
George Marshall
Willm Lewis
Alexander Hunter X mk.
Peter Babb
Elisha Briard
Joseph Nelson
Wm. Gunnison
Henry Lang
Peter Shores
Samuel Tripe
Joseph Jackson
Abraham Weeks
Edward Lowd
John Hooper
George Ham?
John ——?
Thomas Ham
William Ham
Nathaniel Cornely?
George Sherburne
Graffam Nutter
Anthony Nutter
John Harvey
Saml Hart
Isaac Tucker
Samuel Beck, jun.
Caleb Currier
Willm Langdon, jun
John Ayers jun
Eph^m Sherburne
David Mendum
Moses Noble
Mark Noble
Richard Shortridge
Richd Harvey
George Hart
Robert Parker.

183.

Answer to the Governor's Message.

Province of }
New Hamp^r } In the house of Representatives June ye 5 1762.

Voted, That the following answer be sent to his Excellency's speech to Both Houses of the 26th ult^o.

May it Please your Excellency.

In answer to your Excellencys speech of the 26th of May last, we beg leave to say we are glad to hear your Orders are Issued for our Regiment to March & that Ready Disposition which has appeared in the Province for serving the best of Kings Gives us Great Satisfaction. Altho we granted a Bounty full to what General Amherst requested for one Hundred and forty three Privets for filling his Majesty's Regular Regiments (which we Thot with him would be sufficient) seeing he would allow them a Further Bounty of five pounds York money yet willing to shew our Readyness to have that Requisition Comply'd with—We added Forty shillings more thereto the 27th of May last which we hope will Induce suitable Persons soon to engage in that Important service.

His Majesty's 24th Instruction has been an object of our close attention and we are hoping the Legislature may soon agree on such a Bill as will furnish the Treasury with a sum to be Imploy'd anually for that service. We hope your order to the Treasurer will be soon Obey'd. Tho we have heard nothing Thereof, yet if The Treasurers authority is not sufficient to sue the Bonds he has taken for money from private Persons we shall Readily pass an act for Making it so as well as for any other out Standing moneys that ought to be accounted for with him.

Such Grant for his Majesty's Fort William & Mary as was made last year by the then Assembly was made & sent to the Board last weeke which we hope will be agreeable. A grant for your Excellys more Honble Suport and also your house Rent went forward at ye same time & of which we Trust your Excellency will have the same Sentiments. Sr William Johnsons letter has not yet been lay'd Before us, but when it is will have our attention.

All the Assistance in our Power for the Dispatch of the Public business your Excellency may Depend will be Given by us as every motive to ye weal of the Government must directly Point thereto.

H. Sherburne, Speaker.

[P. 278.] Tuesday June 8th 1762.

Whereas the Townships of Peterborough, Lyndeborough, New Ipswich, Number Two, New Boston, & Dunbarton are not Incorporated by which Reason no Taxes can be properly assessed on ye Inhabitants of those places, Therefore

Voted, That Joseph Blanchard & Docr John Hale be a Comittee of this house to prepare a Bill to Enable the Selectmen of the adjatiant Incorporated Towns to assess those places with each of their respective proportions of the Province Tax according to the last proportion of Province Taxes.

Mr. Secy Brot Down the petition of Eleazer Wheelock prays a Grant for to enable persons to teach & Instruct the Indian Tribes in the true knowledge of Jesus Christ & spreading the Gospel among them, which was read.

William Parker Esq. being admitted into the house made a motion that was very convenient as well as necessary that ye statutes of England should be purchased by the Government, that Referance might be had thereto In forming & making of acts &c. & that the other Governmts had them &c. & Retired.

Wednesday June 9th 1762.

Mr. Secy brot into the house Sr. Wm. Johnson's Letter(1) & Laid it on the Table, this being the Letter Referred to in his Excellency's speech to both Houses of the 26th Ultimo, which was read & after mature consideration & mature Deliberation thereon,

Ordered to Lay for further consideration, to know what the other Governments may have done on this matter.

[p. 279.] Thursday June 10th 1762.

The petition of the Revd Mr. Eleazer Wheelock being read,(2)

Ordered to lay for further consideration.

The petition of James Bean, Benja Scribner & Job Kenniston being people called Quakers praying Relief in the province tax laid on them as their Quota of men to go in the army, being read, the parties appeared, being the Day it was to be tried as appears by Record the 3d Instant, & after being fully heard thereon withdrew.

The house debated the matter till seven o'clock in the evening. The desission was put off till the morning.

Friday June 11th 1762.

The Quaker petition again Read & Resumed, and not any determination thereon to be final.

P. M.

[p. 280.] The Quakers petition being again read, Resumed this afternoon & sundry Debates thereon.

Voted, That it be Dismissed.

[p. 283.] Thursday June 17th 1762.

The memorial of Eleazer Wheelock Read & considered, therefore

Voted That the Honble Henry Sherburne & Meshech Weare Esqs. Peter Gilman, Clement March Esq. Capt. Thoms Waldron & Capt. John Wentworth be a Committee of this house to consider of the subject matter of the Revd Mr. Eleazer Wheelock's

(1) Sir William Johnson's letter cannot be found.—Ed.

(2) It is a matter of much regret that this petition cannot now be found.—Ed.

memorial, what they think would be proper for this Government to Do Relative thereto & make Report to the House as soon as may be.

[p. 284.] Friday June 18th 1762.

Voted, That the Honble Henry Sherburne, Meshech Weare Esq. Peter Gilman, Clement March Esq. Capt. John Wentworth, & Capt. Thom^s W^k Waldron be a Committee of this house to consider of the subject matter of the Revd Eleazer Wheelock's memorial praying some assistance from this Province to be applyed in teaching & Instructing the Indian Nations in the true knowledge of the Glorious Gospel of Jesus Christ & for spreading it [p. 285] throughout the numerous Aboriginal Heathen tribes of Indians on this Continent, and make Report to the General Assembly as soon as may be: the said Committee Immediately attended & made the following Report, viz.

We being a Committee to take under consideration the subject matter of the Rev. Mr. Eleazer Wheelock's memorial have well weighed & considered the same & are of opinion that a scheem such as is begun by Mr. Wheelock of Instructing the Indian youth, if it can be supported and carried forward will be of the most salutary advantage, being as we apprehend the most likely not only to spread the knowledge of the Gospel & promote true Religion among the savages, for which we ought to have the most earnest & tender concern, but also civilize these Nations & to fix them in the English interest, which would tend greatly to the peace of his Majestys subjects in these Colonies & to the increase of the subjects & settlements of the Crown of Great Britain. That the success which has hitherto attended this undertaking gives great Encouragement to hope that it will be smiled upon by Providence and may be carried on to answer the most valuable purposes: That all his Majesty's Colonies in America are particularly interested in & likely to Reap ye advantages of such an undertaking, & so should contribute as far as they can to forward the same: as the success of so great an undertaking may in a great measure Depend on its being supported now in the beginning when there is no fund established for Defraying the charge which it is to be hoped will in time be done, but at present must depend on ye voluntary Assistance which any will please to afford—Wherefore

We beg leave to Report that we think it incumbant on this Prov^e to do something towards promoting so good an undertaking, notwithstanding the great Burdens & Calamities which this Province at present labours under, to show our zeal, for his Majesty's service & our ready disposition to Exert ourselves in a cause tending as we apprehend so much to the publick good it is proposed by the Committee that this Province pay the sum of fifty pounds sterling yearly for five years, to be paid to the Rev. Mr. Eleazer Wheelock or his order to be by him Improv^d in the best manner he can in the Instruction of some of the youth of the Indian Nation at his School, the manner said money is to be by him accounted for yearly, the second years allowance not to be paid untill he has rendered an Acc^t of the disposition of the first to the satisfaction of the General Assembly & so from year to year, & that the Committee for Drawing

Sterl^{g} Bills be impowered to draw bills in favour of s^{d} Mr. Wheelock for said sum of fifty pounds Sterl^{g} yearly for five years upon the conditions herein mentioned.

Henry Sherburne
Meshech Weare
Peter Gilman
Jno Wentworth
Thomas W^{k} Waldron
} Committee

Portsm^{o}, June 18th, 1762.

[p. 286.] Province of New Hamp^{r} } In the House of Representatives, June 18, 1762.

This Report having been read,

Voted, that it be Received & accepted, & That the following vote be sent up in consequence thereof.

A. Clarkson, Clerk.

The subject matter of the memorial of the Rev^{d} Mr. Eleazer Wheelock being taken under consideration, the importance thereof duly weighed, & it appearing that his proposals of Instructing ye Indian youth if he can be supported in the prosecution thereof, may produce the most salutary effects, being the most probable means not only to spread the knowledge of the Gospel & promote true Religion among the savages for which we ought to have the most earnest & tender concern; but also to civilize the Indian Nations & to fix them in ye English interest which will tend greatly to the peace of his Majesty's subjects in the Colonies & to the increase of the subjects & settlements of ye Crown of Great Britain & the success which has hitherto attended the undertaking affording great Incouragement to hope that it will be smiled upon by Divine Providence & that it may be carried on to answer the most valuable purposes, & inasmuch as it appears that all his Majesty's Colonies in America are particularly interested in & likely to reap the advantages of such an undertaking & consequently y^{t} each should contribute so far as possible to forward & promote the same, & Whereas the success of so great an undertaking may in a great measure Depend on its being supported in its infancy when there is no fund established for defraying the charge, depending on the voluntary assistance of the Christian world, & it appearing highly incumbent on this Province to do something towards promoting so important an undertaking, Therefore

Resolved & Voted, That the sum of Fifty pounds Sterl^{g} be paid yearly by the Province for the term of five years, unto the Rev. Mr. Eleazer Wheelock or his order, to be by him improved in the best manner for the Instruction & support of some of the youths of the Indian Nations at his school in order to fit & Qualify them for missionaries among the s^{d} Nations, that he render an acc^{t} annually to the Governor & Council & Assembly of this Province of the Improvement thereof & also of ye state of ye school & progress of the youth in learning, that the Committee impowered for draw-

ing sterling Bills on the agent for this Province at the Court of Great Britain be & they are hereby impowered immediately to draw bills in favour of the s^d Eleazer Wheelock for the first years allowance of fifty pounds sterl^g & that when he shall render a satisfactory acc^t of the disposal thereof as above then the s^d Committee be & hereby are impower'd to draw on the s^d agent in his favour for the second years allowance & so annually during s^d term of five years.

S. S. H. S—

Sent up by the Clerk.(a)

(a) Jour. C. & Assm. June 18th, 1762. Mr. Clarkson from the house brot up the Petition of Eleaz^r Wheelock & vote allowing him £50 sterling pr Annum for the space of five years towards instructing & educating Indian youth.

June 26th 1762. The Board took under consideration the vote of the House on the petition of Mr. Wheelock as entred the 18th Inst. for an allowance of £50 sterling &c. & concurd the same.

[Votes, Acc^ts, bills &c. passed by the House and concurred by the Council, from June 2^d to June 21st, 1762.]

Jour. C. & Assm. June 2^d, Petition of Sarah Ross for explanation of a Deed, &c. granted.

Allowed Caleb Heath of Canterbury £4 : 12 sterling for money burnt up with his house.

Granted petition of John Moulton of Hampton for division of the estate of Jabez Smith, Esq. dec'd.

Granted petition of James Bean, for a hearing about taxes, &c.

Jon^a Steward's petition for an allowance, for a sick son, in the army.

The following Acts passed: viz. Riot Act. An Act for the Increase of sheep. An act providing in case of sickness. An act appropriating lands left for High ways in Barrington. A Bill to ascertain what Places may send Representatives to the General Assembly. Dover bill, for choice of Parish officers.

Allowance to Theodore Atkinson, Chairman of Committee for signing money bills £32 : Sterl^g.

Petition of John Sherburne for re-hearing at Probate Court on the estate of John Lain, jun. dec^d, granted.

Petition of Selectmen of Brentwood for allowance on account of great charges for small pox, granted.

Allowance to Thomas Packer as muster master in Coll. Goffe's regiment, £12 : sterling.

[p. 287.] Mr. Sec^y brot into the house his Excellency's message to Both houses of this date & laid it on the Table which was read & is as follows, viz:

Governor's Message.

[Copied from MS. Gov^rs Mess^a Vol. III. p. 207.]

Gentlemen of the
Council and of the Assembly—

I am fully perswaded, that it will be absolutely necessary to come into other measures to compleat the Quota of men assigned by Sr Jeffrey Am-

herst for this Province to raise to fill up His Majesty's regular Regiments serving in America, to the full Compliment of effectives—

The bountys already granted by the Legislature, and the five pound York money paid by the King, sufficiently Evidence that the men are not to be had in that way.

The success attending the Regimental musters I ordered for this service Capt Fyfields return which the Secretary will lay before you is a Specimen of all the rest that I have received, so that nothing successfull can be depended on from bountys –

And since the Earl of Egremont has Expressly declared that any failure in this essential Service will be very disagreeable to His Majesty, I hope you will think it your duty as well as your Interest to determine on some secure expedient effectually to Levy the 143 men demanded—

B. WENTWORTH.

Council Chamber in
Portsm° June 18, 1762.

P. M.

[P. 288.] Voted That Capt. Thomas Wk Waldron, Capt. Jn° Wentworth & Richd Downing Esq. be a Committee of this house to wait on his Excellency & confer with him on the subject matter of his Messa to both houses of this Day Relative to raising Recruits for his Majesty's Regular Troops in North America.

Saturday June 19th 1762.

The Committee appointed yesterday to confer with his Excellcy on the subject of his Message to both houses of yesterday's date Relative to Raising Recruits for his Majesty's Regular Forces in North America made their Report this forenoon, viz.

That they had waited on his Excellency & conferr'd with him thereon & that his Excellency tho't the bounty already given by the Province was full sufficient, and that he believed if the bounty was doubled yt number 'twould not answer the end to get a man, but that it was of the last importance to the Government to get them if possible, but that he saw no way, neither could he think of any expedient to Remedy it, & that on the whole said they must be had & could think of no other way to get them but by drafting. They said they had informed his Excellency of the unanimous opinion of the house that they had not only done what was Required of them by General Amherst in order to get the one hundred & forty three men voted for his Majesty's Regular Regimt, but vastly more in giving a larger Bounty of forty shillings sterlg than Genl Amherst desired, to which his Excellency was pleased to say, That when his Messa was directed to both houses, he always expected a Committee of both houses to be joyned to give an answer.

[P. 289.] On this verball Report being Delivered by the Committee,

Voted, The Honble Meshech Weare Esq. Peter Gilman, Clement March Esq. & Capt. Thom^s W^k Waldron be a Committee of this house to joyn with such as may be appointed by the Honble Council to take under consideration the subject mattter of his Excellency's Mess^a to both houses of the 18th Instant & make Report to the General Assembly as soon as may be what they think adviseable for this Government to do Relative thereto.

Sent up by the Clerk.

[P. 290.] Mr. Sec^y came into the house & Informed that the board had joyned a Committee to consider of the subject matter of his Excell^y Mess^a to both houses of the 18th Instant & that they were ready to go on that business.

The Committee of the house immediately attended.

[P.292] Thursday June 24th 1762.

The Report of the Committee of both house bro't in last Evening which was read then & Read again this morning & is as follows, viz.

Province of New Hamp^r } June 22^d, 1762.

The Committee of both houses appointed by vote the 19th Curr^t having taken the subject matter of his Excellency's Mess^a to both houses of the 18th Curr^t under their considerations & the ill success that has attended his Excellency's Endeavours in obtaining the one hundred & forty three men Required by Sr. Jeffrey Amherst upon the unpresidented bounty, [P. 293.] and gratuity offered to the voluntiers that should Enlist can be owing to nothing but the scarcity of men in this Province occasion'd by the great number of the Inhabitants that have been lost while in his Majesty's service in the present war, & the number now actually employed in his Majesty's service for securing his Majesty's Conquests and therefore the Committee are of opinion that a further or additional bounty to voluntiers would not avail unless some other (than the common & usual method of Recruiting) should be pursued, which however successful it has been dose not answer the present Emergency. We would therefore Humbly submitt to the consideration of ye Legislature wheither it would not be advisable to grant a reward to such recruiting officers as his Excellency may appoint to make a further Tryal & so Enduce them to use their utmost Endeavours in said service & this to be a Recompence for their time & Expences in this service without having regard to the success & to be over & above the reward already granted.

By order of the Committee,

Theodore Atkinson, Chairman.

In Council, Eodem die
read & ordered to be sent down
to the Honble Assembly.

Theodore Atkinson, jun. Sec^y.

The foregoing Report being again read

Voted, That it be accepted & that his Excellency the Governor be desired to appoint a number of Recruiting officers not exceeding four for the Ends & purposes in said Report mentioned, &

that Each of the s^d Recruiting officers be allowed three pounds fifteen shillings pr month for the space of two months if his Excellency thinks proper to Improve them so long.

Signed, H. S. S.

Sent up by the Clerk.

Whereas this is the fifth week of the sitting of the Genl Assembly & Whereas the whole business of the session has been in a great measure retarded for want of the Treasury accompts & Whereas the Treasurer has this week presented an acc^t to the house directly opposite to the Direction & Resolve of the Governor Council & Assembly—

Resolved & voted, That the Treasurer presenting an account so contrary thereto is an open affront to & Insult on all the Branches of ye Legislature.

That his detaining the publick accounts so long & afterwards rendering them in so unskilfull a manner is greatly detrimental & therefore his Excellency the Governor be humbly addressed & Requested to direct to proper measures for remedying an Evil of such pernicious consequence to his Majesty's service & the common weal. S. H. S. S.

Sent to his Excellency by Messrs Blanchard & Tappan, who [p. 294.] likewise had it in charge to inform his Excellency that the house had under consideration his objections against the excise Bill but as matters stood at present had concluded not to act any thing thereon.

Whereas it will be of great advantage to the Governm^t to have the Statutes of England for the use & Benefit of the Genl Court & all the other Courts in the Province—

Voted, That the Committee impowered for corresponding with the Agent be & they are hereby impowered & directed to write to the agent to purchase & send them as soon as may be on the governm^t acc^t & for the use thereof. Sent up by Mr. Jennis.(1)

[p. 295.] Fryday, June 25th 1762.

The Bill for Excise & Impost bro't down for amendment the 22^d Instant, viz. That the appointment of the officer to be like the former Excise Act, which was put to vote & it passed in the Negative: Likewise that the Bonds be given to his Majesty & to be lodged in the Treasury as usual, which was put to vote, & voted that the Act stand as it now is as to that clause; & further, that some time ought to be limited for ye Importers to demand the Drawback which was put to vote &

Voted that nine months be allowed from the Importation to ye Exportation thereof; & Whereas it was mentioned in said Act

(1) It does not appear from the records, that the Council took action on the above vote.—Ed.

that a drawback should be allowed on a lesser Quantity than one hundred Gallons, the house took that matter under consideration, and, Voted that the words in s^d act (or lesser than one hundred gallons) should be obliterated in s^d Bill & it accordingly was & the Bill sent up, with this message, That the house could not see their way clear to make any other alterations in said Bill, & adheard to it as it now stands.

Sent up by Gilman, Waldron, Wiggins & Clarkson. [not acted on by Council.]

The Bill for granting unto his most Excellent Majesty the sum of Twenty thousand pounds new Tenor for the end & purposes in said Bill mentioned, viz. Ten thousand pounds for sinking Canada & Louisburgh money & ten thousand pounds the remaining part of the £20,000, to be Improved as the General Assembly may order, having been read three times,

Voted, That it pass to be Enacted.

S. H. S. Speaker

Sent up by Gilman, Waldron, Wiggin & Clarkson. [Concurred.]

P. M.

[p. 296] Voted, That the Sec^y be & hereby is desired to furnish the Treasurer with an attested copy of the number of men & their names that are now actually in the service & pay of the government in Col^o John Goffe's Regim^t;(1) this being done, further Voted, That the Treasurer pay one months pay to each of the officers & soldiers, their wives or Legal Representatives out of money in the Treasury for the defraying the charges of this year's campaign.(a)

Sent up by Mr. Tappan. [Concurred.]

(a) [Votes, Acc^ts, bills &c. passed by the House and concurred by the Council from June 23^d to June 26th 1762.]

Daniel Fowle allowed £18 new Tenor, in full, for printing, &c.

Petition of Joseph Blanchard Esq. in behalf of the Proprietors of common & undivided lands in Dunstable, granted.

Ja^s Stoodley, allowed £18 new Tenor, for loss of money when his house was burnt.

Allowance to Theo. Atkinson, Esq. for books in Sec^ys office, £19 : 10s. new Tenor.

For Gov^rs Salary £1250 New Tenor—to be paid half yearly.

Acct of Selectmen of Durham, for care of soldiers sick with small pox, £8 : 8 Sterling.

Acc^t of Committee for furnishing the Town house allowed, £235 : 10. new Tenor.

Acct of Daniel Pierce as recorder, allowed £53 : 10. new Tenor.

(1) See Potter's Mil. Hist. Adj. Gen. Rep. 1863, Vol II, pp. 234-245.—Ed.

Saturday, June 26th 1762.

Mr. Secretary came into the House & said he was directed by his Excellency to prorogue the General Assembly of this Province to Tuesday the 24th of August next, & accordingly in his Majesty's name they were prorogued.

A SPECIAL CONVENTION.

[p. 300.] Province of New Hampr July 1st. 1762.

Sir—

I am directed by his Excellency the Governor to acquaint you that he has ordered a Convention of the General Assembly to be held at Port mo on Tuesday the 6th of this Instant July where he expects your attendance at 10 o'clock in the forenoon.

I am by his Excellencys Command
Your most humble Servt

T. Atkinson, Secy.

On his Majestys service
To the Honble Henry Sherburne, Esq., att Portsmo.

Tuesday July 6th, 1762.

Province of New Hampr } At a Special Convention of the Genl Assembly on the 6th Day of July 1762, pursuant to his Excellency's order as above.

Mr. Secy brot into the house his Excellency's Speech to the Council & Assembly of this date & Sr Jeffrey Amherst Letters of the 20th & 27th ultimo from New York all which were read & are on file.—

Governor's Message.

[Copied from MS. Govrs Messa Vol. III. p. 213.]

Gentlemen of the Council
& of the Assembly—

His Majesty's service made it necessary for me to convene the Council and Assembly at this time: You will observe by Sr Jeffrey Amherst's letters of the 20th 27th of June, which the Secretary will lay before you that he is in expectation of having a Reconsideration of your former Resolves relative to the one hundred and forty three men to be furnished by this Province, agreeable to the Kings Requisition; all measures hitherto entered into having proved ineffectual.

The gentel and easy way the General addresses himself on this occasion, the danger he points out in case of any failure on our part, are such instances of a generous mind that I am hopes they may lead you to fall on

some expedient, that will Enable me with satisfaction to Execute his Majesty's Commands, & Recommend the Province to his favours in future.

B. WENTWORTH.

Council Chamber in
Portsmouth, July 6th 1762.
Copy from the Original
A. Clarkson, Clerk &c.

Letters of Sir Jeffrey Amherst.

New York, 20th June, 1762.

SIR—

I am very sorry to find by your Letter of the 9th Instant, that the Assembly of New Hampr have not come into the measure proposed for Raising the Recruits for the Regular Corps, especially as the encouragements already given seem to have no effect: As a complyance with his Majesty's commands in this particular is of the utmost consequence, & that any failure therein must draw upon the Province the censure of the King's Ministry, I trust your Assembly will reconsider the matter, & by exerting a proper spirit will enable you to comply fully with his Majesty's Requisition, as a non-complyance in so essential a point, cannot fail of Excluding them from any title to the King's particular favour, which by his Secy of State, he has been graciously pleased to promise to such of his Provinces, as Distinguished themselves at this critical juncture.

I am with great Regard, Sir,
Your most obedt Humble servt,
JEFF: AMHERST.

His Excellency Governor Wentworth.
Copy from the o iginal—
A. Clarkson, Clerk, &c.

New York, 27th June, 1762.

SIR—

I am to own the favour of your Letter of ye 18th Inst. In my last I gave you my sentiments in regard to the necessity of falling on some effectual method o Raising the Quota of Recruits demanded of your Province for the regular service.

I can say nothing more, but that it must appear in a very bad light to the King's ministers, if the Province of New Hampshire is the only one that has failed in complying with his Majesty's commands in this particular; and therefore I trust the Assembly will exert themselves so as to Raise the men agreeable to the King's requisition.

I am with great Regard, Sir,
Your most obedt humbl servt
JEFF: AMHERST.

His Excellency Governor Wentworth.
Copy from the original,
A. Clarkson, Clerk &c.
All the foregoing at the Convention July 6th 1762.
Att: A. Clarkson, Clerk.

Voted, That the Honble Meshech Weare, Colo Peter Gilman & Clement March Esqs. be a Committee of this House to joyn with such as may be appointed by the Honble Council to consider of the subject matter of his Excellency's speech of this date & the letters therein referred to and make Report Imediately what they think

advisable & proper for this Government to do therein considering the several efforts by them already made & that they waite on his Excellency the Governor & confer with him thereon.

Sent up by the Clerk. who was desired to ask for the Act by wch the last Recruits were Raised which he bro't into the House.

Mr. Secy came into the house & Informed that the Council had joyned a Committee to consider of the subject matter of his Excellys speech of this date & desired the Comittee of the house would attend in the Council Chamber, which they accordingly did.(a) [The Honble Richd Wibird, John Downing & Daniel Warner, Esqs. added on part of the Board.]

Adjourned till 9 o'clock tomorrow morning.

(a) Jour. C. & Assem. July 6, 1762. [At the Convention.]

Present

His Excellency B. WENTWORTH, Esq. Govr in chief.

Theod. Atkinson Richard Wibird John Downing	Esqs.	Daniel Warner James Nevin William Temple,	Esqs

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[P. 301.] Wednesday July 7th 1762.

Met according to adjournment.

The Committee appointed yesterday to confer with his Excellr on the subject matter of his Excellency's speech of yesterdays Date made their Report this forenoon, which was read & is on file—

Report of Committee.

[Copied from MS. Corr. Vol. III, p. 215.]

Province of New Hampr

We being appointed a Comtee by a vote of the 6th Inst. to consider of the subject matter of his Excys Speech of that Date and the letters therein Referr'd to and to wait on his Excellency the Governour and confer with him thereon:

Have accordingly taken the same under consideration and waited on his Excellency who was pleased to urge the necessity of complying with the Requisition made for Recruiting the Regular Regiments in some method that might be effectual;—for answering which end the Genl Assembly of this Province have from time to time signified their ready disposition to comply with his Majesty's Commands and the Deep sense they have of his Majesty's grace and favour by voting such Encouragement for men to Inlist and for officers to exert themselves in Recruiting as appeared most likely to answer the Design, and we cannot but be sorry the methods taken have prov'd ineffectual & that the ready and full complyance of the General Assm of this Province with the method Proposed by General Amherst has not been fully known to him, and that no method likely to obtain may be left unattempted, and as the most of those men who might be likely to enter into his Majesty's service are already in the Province service at

Crown Point, we would Propose that an attempt might be made for Enlisting men there for the Regular service, and that for their Encouragement the Bounty for Inlisting should be raised, and that for supplying their places there should be men Inlisted for the Province service upon the same terms with those already Raised to fill up the Places of such as shall Inlist into the Regular service.

By order of the Committee

R. Wibird, Chairman.

In Council, Eodem Die

Read & accepted & ordered to be sent down to the Honble Assembly.

Theodore Atkinson, Sec^y

P. M.

Province of New Hamp^r } In the house of Representatives, July 7, 1762.

The above Report Read & accepted, and

Voted, That the bounty to be paid to each effective man that shall Inlist in the Regular service be Raised to Eight pounds sterling & that his Excellency the Governor be desired to give his orders accordingly

S. S. H. S.

Whereas the members of this Convention are apprehensive by Paragraphs of his Excellency General Amherst letters of the 20th & 27th of June last to his Excellency our Governor, that he has not been fully acquainted with our Ready complyance on his Requisition for one hundred & forty-three men to fill up his Majesty's Regular forces, Therefore

Resolved, That all matters relative thereto passed this house, be forwarded to him by the Clerk thereof as soon as possible. Adjourned till tomorrow 9 o'clock, A. M.

Thursday, June 8th 1762.

[At 12 o'clock] The Sec^y came into the house & said his Excell^y had nothing further to lay before this Convention, & that the members were dismissed.

Letter of the Clerk to Sr. Jeffrey Amherst.

[Copied from MS. Corr. Vol. III. p. 224.]

Sir—

In obedience to the above resolve, I have now to inform your Excellency that on the 11th March last his Excell^y our Governor's speech was laid before the House, with the Earl of Egremonts two letters of the 12th Decr 1761, as well as your two Letters of ye 9th & 21st Feby last, in consequence of which and in obedience to his Majesty's Royal Commands therein signified, did on the 18th of said month pass an Act in full of the Requisition, as your Excellency will see by the Title, preamble & the two first Enacting Clauses of said Act herewith sent.

At the opening of the Sessions the 26th of May last, His Excellency our Governour in his Speech of that date says, "the Grant made for one "hundred & forty three privates to fill up his Majesty's Regular Regiments "serving in North America, must prove fruitless, unless some other meas-"ures are taken to raise the men."

The House immediately took the matter under consideration & passed a vote for Raising ye Bounty &c. a copy of which you have herewith.

His Excellency was further pleased in his message of the 18th of June last to say, "I am fully persuaded that it will be absolutely necessary to "come into other measures to compleat the Quota of men assigned by Sr "Jeffrey Amherst for this Province to Raise, to fill up his Majesty's Reg-"ular Regiments serving in America to the full complemt of Effectives."

On which the House sent a Committee to confer with his Excellency on the matter & pursuant to their Report, Appointed a Committee to joyn with such as should be appointed by the Honble Council to consider of the subject matter of his Excellency's Messa, who made Report, a copy of which & vote of the house thereon, you also have inclosed.

And again his Excellency our Governor was pleased to convene the members of the General Assembly the 6th Inst (which stood prorogued to the 24th of Augt) in consequence of yours to him of the 20th & 27th of June last, and in his speech at said Convention to inform them: "His Maj-"esty's service made it necessary for me to convene the Council & As-"sembly at this time;—you will observe by Sr. Jeffreys Amherst Letters "of the 20th & 27th of June last, wch the Secretary will lay before you, "that he is in expectation of having a Reconsideration of your former "Resolves, Relative to the one hundred and forty three men to be fur-"nished by this Province agreeable to the Kings Requisition; all meas-"ures hitherto entered into having proved ineffectual."

The House immediately took the matter under consideration, a Committee of both houses was immediately appointed to consider of the subject matter of his Excellency's Messa, to wait upon his Excellency & confer with him on the matter, & to make Report, wch being done, the Report was accepted & Inclosed is a Copy thereof with the vote of the house thereon.

I add not. save I am
Your Excellencys
most obedt h'bl servt
ANDREW CLARKSON, Clerk to
the house of Representatives
Portsmo July 8th 1762.

For his Majestys service
To his Excy Sr. Jeffrey
Amherst, Esq. at
New York.

[p. 302.] Tuesday, August 24th 1762.

Met according to Prorogation 10 o'clock before noon.

Not a sufficient number of members to make a house, adjourned till

Wednesday, Aug. 25th 1762.

Mr. Secy came down & desired that Mr. Speaker & the members would give their attendance at Council board.

Mr. Speaker with the members imediately attended, when Mr. President Read his Excellencys speech to both houses, of this date.

Mr. Speaker & the members being returned to their room,

Mr. Secy Brot down his Excellency's speech with General Amherst Letter therein Referred to & laid them on the Table—all which was read, & a copy of each is on file.

Governor's Speech.

[Copied from MS. Corr. Vol. III, p. 228.]

Gentlemen of the Council
and of the Assembly—

Soon after I prorogued the Assembly we had imperfect accounts that a French squadron with a considerable Body of land forces had invaded New foundland & taken possession of his Majesty's Fort at St. Johns; it was some time before we had certain Intelligence of the Enemys strength, but upon their near approach I thought it necessary to convene his Majesty's Council for advice in the dangerous situation the Province seemed to be in, who unanimously advised that the Fort at New Castle should be put in the best posture of Defence the short time to do it would admit.

Upon examining into the state of the Fort, for want of materials I found it impracticable to make any additional works for its defence, you are sensible how largely his Majesty has contributed towards it, and if you will recur to my speeches they will evidence for me that I am not chargeable with the least neglect of Duty in this essential service.

I must therefore Intreat that a speedy and ample grant may now be made that in the course of a few years will put that Fort the only place of Defence we have, in a respectable condition which will prevent Representations that will be very disagreeable to me.

Coll. Goffe having acquainted me that he had a prospect of Recruiting 50 men out of his Regiment for his Majesty's Regular service, I detached Capt. Hazzen to recruit the like number & to march them to Crown Point; since which Colonel Goffe acquaints me that 40 men only will be wanting to *compleat* his *Regiment*, but as my orders are issued & the men are raised it will be needless to recall them.

As it is not my Intention to detain you long I shall only lay before you Sir Jeffery Amhersts Letter of the 4th of August by which you will observe that he makes a further Requisition of 50 men for Winter service & the sooner the Grant is made the sooner he shall be able to dismiss the Forces employed for the summer service.

B. Wentworth.

Council chamber in
Portsmouth, August 25th 1762.
Copy from the original
Att: A. Clarkson, Clerk.

Letter of Sir Jeffrey Amherst.

[Copied from MS. Corr. Vol. III. p. 227.]

New York 4th August 1762.

Sir—

The great & important services on which his Majesty's Regular Troops are now Employed and the uncertainty of their return, rendering it ab-

solutely necessary that Provision should be made in time for Garrisoning the several ports on this Continent during the Winter, I must request you will take the earliest opportunity of moving your Assembly to provide for continuing in pay the same number of Troops that remained during the last Winter, viz. One company consisting of fifty one men including a Captain & subaltern; and that you will be pleased to enforce the necessity of complying with this requisition, with such arguments as your zeal for his Majestys Honour and the good of these Colonies, will naturally suggest to you.

I must observe that the sooner the necessary provision is made, & the orders given for Re-Enlisting the men, the service will reap the greater advantages: and I shall be the better enabled to send home the others who are not to remain, before the rigorous season sets in.

I cannot help taking notice on this occasion, how little has been done by the Province of New Hampshire toward Raising the recruits for the regular corps; which measure, if heartily entered into by all the Colonies, might have been a great means of not only enabling his Majesty to push the war with more vigour, but would in the end have eased the Provinces perhaps of part of this very expence that I am now obliged to put them to.

The backwardness discovered in your Province in this Particular I must own in my opinion cannot fail of incurring his Majestys displeasure, and therefore I would fain flatter myself that some effectual methods will yet be fallen upon for complying with the Kings Demand and furnishing the Quota Required. If it was necessary when first made, of which there can be no doubt, it is certainly much more so now, that so many of the regiments who are in actual service must necessarily be thinned by the chance of war, and the change of the climate where they are Employed: and I must add, that the non-complyance of your province and some of the other Colonies, in furnishing the Quota required, will I fear, not only retard but obstruct the future operations which were intended to be carried on in these parts for distressing the Enemy so as to reduce them to accept of a peace glorious to his Majesty's arms and advantageous to his subjects in General,

I am with great regard
Your most Obedient humble servt.
JAFFREY AMHERST.

To his Excelly Govr Wentworth.
Copy from the original
Att: A. Clarkson, Clerk.

The house immediately took the matter under consideration & came to the following Resolve, viz.

Whereas his Excellency the Governor has been pleased this day to lay before the General Assembly his Excy Sr Jaffrey Amherst's letter of the 4th Instant Requiring this Province to continue in pay one Company consisting of fifty one men including a Capt. & subaltern during the winter:

Resolved & Voted unanimously that his Excellency the Governor be desired & he is hereby requested & desired to give orders to the commanding officer of the Regimt, raised for the service of the present year, to Enlist fifty one men officers included out of

said Regim^{t}, to be in the pay of this Province for the service aforesaid untill the first day of July 1763, unless sooner dismissed or others placed in their Room, & that there be paid to each private & non-commissioned officer who shall Inlist for s^{d} service a bounty of forty shillings sterling & one Blankett, that there be [p. 303.] one Captain and subaltern, & that the pay of officers & men be agreeable to the Establishment for the present year.

Signed, H. S. S.

Sent up in the afternoon by Messrs Frost, Worthing & Page.

Whereas his Excellency was pleased in his speech at the opening this Sessions to mention the State of Fort William & Mary, this house being heartily disposed to do all in their power to put that Fortress in a respectable condition,

Voted, That Col^{o} Joseph Smith, Col^{o} Clement March Esqs. Capt. Thomas W^{k} Waldron, Capt. George Frost, Lieut McDuffy, & Richd Jennes, the third, Esq. be a Committee of this house to join with such as may be appointed by the Honble Council to confer with his Excellency thereon, take a view of the state of said Fort, consider what may be proper to be done, make an Estimate of the charge or cost thereof & make Report to the Genl Assembly at their next meeting. Sent up by Waldron & Gidding in the afternoon.

[p. 304.] Thursday, Augt 26th 1762.

Mr. President bro't down the vote for a Committee to view the Fort & the vote for raising fifty one men for the winter service & said his Excellency had directed him to inform the Assembly of the objection he had against them, which he could not better do than by reading what his Excellency had wrote him thereon & accordingly did, to the following purport, viz:

"I have nothing to object against a Committee to view the Fort & to prepare material therefor to be used next year, but what I at present want is materials immediately prepared for mounting ye cannon early in the spring; & the vote for the fifty one men must be altered so that men may be Enlisted in any part of the Governm^{t} & that the bounty for them must be as it was last year, & then he should prorogue the General Assembly," &c.

Mr. Speaker put it to vote whether the house would make any alteration or amendment in the vote Relative to the fifty one men & it passed in the negative.

Capt. Waldron sent to the board to desire that the house might have his Excellency's objections to the vote Relative to the Fort in writing.

Mr. Sec^{y} brot the same down wch was read & is on file.

Governor's Objections, &c.

[Copied from MS. Corr. Vol. III, p. 209.]

The vote for a Comtee to consider what may be proper to be done towards repairing the Fort & estimating the charge thereof, might have been a very proper one some years past, but it will answer no end at present, because there is an imediate occasion to prepare material for mounting the cannon early in the Spring, & when such a grant is made the present vote may answer for things to be done in future,—I shall be glad to have a proper vote for that service.

Mr. Speaker put it to vote whether the house would make any alteration in the vote Relative to the Fort & it passed in the Negative.

Colº March, Mr. Jennis & Capt. Geo. Frost sent to wait on his Excellency & to inform him the house could not see their way clear to make any alteration in the two above mentioned votes, & to pray his Excy to pass them as they stood.

Letter from Gov. Wentworth.

Portsmº. Augt 26th 1762.

Sir—

As the message I had from the Assembly this day by Col. March & Esq. Jennis satisfies me that the King's business meets with so much opposition in the House, that I am not to expect any thing will be compleated, I have tho't it for his Majesty's service to order you forthwith to Prorogue the Assembly untill the 28th of September next, being Tuesday at ten o'clock. If they are wanted before there must be a special convention.

I am, your humb servt
B. Wentworth.

Mr. Secy Atkinson.

P. M.

[p. 305.] The Committee sent to waite on his Excelly in ye forenoon did not return till six o'clock p. m. when Mr. Secy came down & said he was directed by his Excellency to prorogue the General Assembly to Tuesday the 28th of Sept next, to 10 o'clock in the forenoon, & then to meet at the State house, & said accordingly in his Majesty's name they were

Prorogued.

Tuesday Sept. 28th 1762.

Further prorogued to Wednesday the 13th of October by Proclamation.

Further prorogued to Wednesday Octo^{r} 20th 1762.

Letter from Govr. Wentworth to Theodore Atkinson, jun.

[Copied from MS. Corr. Vol. III, p. 233.]

Portsmouth, October 28th 1762.

SIR—

The sitting of the Assembly depends on an application to me from the Corresponding Com^{tee} with the Agent, so you are to inform yourself from the Chairman of that Com^{tee} whether such an application is to be expected, & if it is, then you are to inform the members that I shall meet the Assembly on the day to which it stands prorogued, to do business, but if your father thinks nothing will be done of that kind, you are to further prorogue the assembly to the 30th of November, being Tuesday at 10 A. M.

I am, sir, your humb^{le} serv^{t}

B. WENTWORTH.

Mr. Sec^{y} Atkinson.

The Earl of Egremont having notified me of the birth of the Prince of Wales, I have inclosed his letter which, deliver to your father to be made public, & then return it.

B. W.

Further prorogued to

Tuesday, Nov. 2^{d} 1762.

Not enough to make a house come to Town, and adjourned to

Wednesday Nov. 3^{d}, 1762, P. M.

[p. 306.] Mr. Sec^{y} came into the house & said his Excellency desired that Mr Speaker with the members would attend at the Council board.

The house immediately attended—when Mr. President read his Excellencys speech to both houses of this date.

Governor's Speech.

[Copied from MS. Gov^{rs} Mess^{a} Vol. III, p. 229.]

Gentlemen of the Council
& of the Assembly

I should not have met you at this busy season had not the public business made it Necessary.

In a short letter I rec^{d} from Mr. Trecothick of 18th of Augt he advises me that Mr. Thomlinson had received of the grant made by Parliament as this Province's proportion for the year 1760, £8861 : 12 : Sterl^{g}.

The Corresponding Committee with your Agent Mr. Thomlinson, have represented to me his desire of having a proper person Joyned with him in the Agency in his life time, that he may have an opportunity fully to instruct him in the concerns of the Government, and I must recommend it to you, as a matter of the highest consequence to the Government to loose no time in complying with a request so interesting to the Province, & I think it would be needless for me to use any argument to excite you to Execute a thing wherein the honour & Interest of the Province is so much concerned. I shall only add, that I have nothing more in view, than securely placeing the public money, the only support of our Acts for

Emitting the Sterling money Issued on the Credit of the Government, so I am hopeing you will give me the Pleasure of concurring with you in the appointment of a fit person to answer these Ends, that I may put an end to this service & give you a recess until the muster Rolls of Colonel Goff's Regiment are ready.

B. WENTWORTH.

Council Chamber in
Portsm° November 3d 1762.
Copy from the original,
A. Clarkson, Clerk.

The Honble Theodore Atkinson Esq. Chairman of ye Committee for corresponding with Jn° Thomlinson Esq. agent for this Province at the Court of Great Britain, Brot into the house some of the agents accounts & Letters relative thereto. The Letters was read. Adjourned.

NOTE.

The editor has not succeeded in finding the abovesaid letters of Mr. Thomlinson, but the following of an earlier date, relative to the appointment of an agent as helper or successor to Mr. Thomlinson, and also the appointment of Theodore Atkinson, jun., as Secretary, will be read with interest.—ED.

Letter from Hon. Theodore Atkinson to Mr. Thomlinson.

[Copied from "Belknap Papers," in Secy's Office, p. 175.]

Portsm°, N. Hampr August 19, 1761.

SIR—

Your last favour informed us of the order that all officers were to renew their Commissions &c, and 'twas kind & I am obleidged to you for taking care to renew my mandamus as one of his Majesty's Council here. I am in doubt weither I should have done as much myself had I been with you, as I find much Trouble & little Profit in that office.

You mention also your being call'd upon to renew my Pattent for Secy of this Province. This has occasioned my mentioning that affair to Govr Wentworth. 'Tis a Post I have long wished to be clear of, and he now only waits the arrival of his new Commission, when he proposes to grant the Commission of Secretary to my son, and told me he would write you to get him somehow confirmed at home. I would by no means have him at the Expense of a Pattent unless that office was attended with more Proffit for the future than it hath been in time past; but if ye fees for taking out the Commission are light, I should be obleidg'd (if you would enquire if the solicitation is not too troublesome) you would obtain it for him. Mr. Nevin who will deliver you this, has often mentioned this affair & thinks it might be more Proffitable than heretofore, and as he perfectly knows mine & my son's mind as in the premises, he will be kind enough to inform you of our sentiments without my troubling you with any further Particulars; to him give me leave to refer you, & believe me with much Esteem

Your most obleidged hum^ble servt.

P. S. I hope to forward you the Prov. Accts. of Expense at the reduction of Canada, by this fleet.

Extract from a letter of Hon. James Nevin, of his Majestys Council in New Hampshire, then in England, to Hon Theo. Atkinson.

[Copied from "Belknap Papers" in Secy's office, p. 176.]

London, Nov. 14, 1761.

Dear Sir,

"Good old Mr. Thomlinson is very much broken down & Past his labour. I wish you may think of his son for your agent, he is now sick at Bath but upon the recovery.

"I find your Assembly sent their Address to his Majesty & am told Mr. Pitt was soe busie that he ordered it to the Ld Bute, whoe read it, & askt if there was noe Govr in the Province. Upon being told there was, refused presenting it in a time of Harmony & unanimity as he express'd it. Pray, sir, is your opinion or the Governour's rightest of Mr. Sherbourn.

"The N. Hampshire Address is not yet presented but will be soe soon as young Mr. Thomlinson comes to Town.

"Ill will Had caryed a Report to the officers *that the Govr had married a Dirty Slute of a maid.*(1) I was ask't about it by people of Figure. I told it as I think it really was, and the Govr was approved of.

I often see my Ld Mason: he is noe Changling. I have been much diverted with him, he is making out Instructions for his Brothrs Tuffton whereby he is to turn all the People off his Land in the Mass'chuts, as he says he never dockt the Entail.

"As all the papers is soe full of Mr. Pitt I need say nothing about him, only that I am convinced he will have the Brightest character on the English Annels. I hope the People will let him Enjoy his Honest mind & noe more drage him on the stage. We are left with a good King & a Free Parliament—all is tired of a German War & seems Determined to have Done with it, which must bring on a Peace for Reasons you know."

Jas Nevin.

From Theo. Atkinson, Sen. to John Thomlinson, Esq.

Portsmo Feby 21, 1763.

Sr—

I am Indebted for your Favour of the 4th November last Enclosing a Letter to the Comtee which has been communicated & from whom you will soon have dispatches. I am obleidged for your favour relative to my son's recommendation, hope you will have no reason to regret.

My son by this ship forwards the vote and act of Assembly appointing your son joynt agent with you with Power to act separately in case —This vote with the house was with difficulty obtained: the members apprehensions were that it would be disagreeable to you. This occasioned the Comtee to lay before them your Letters approving such appointment. There is a Comission made out for your son, but as that is matter of Form only & adds no force or Power, but the vote & the Act speaks for themselves & his power & appearance will be complete without other formality.

Your part of Mason's Propriety is worth your regard, & agreeable to your Letter of Attorney, Brother M. H. Wentworth & myself shall take all necessary care of your Interest therein.

(1) Mr. Nevin doubtless alludes to the marriage of Gov. Benning Wentworth with Martha Hilton, which is described by Brewster in his "Rambles," &c. Vol. I. p. 101; which see. The poet Whittier also refers to it.—Ed.

Govr Wentworth for two months past has by the gout been deprived of the use of his limbs & confined to the Bed, he is now on the recovery & I hope will soon be able to write you.

Thursday Nov. 4th 1762.

The agents Acc^ts given in yesterday & the letters were again read this forenoon, & after sundry Questions & Queries thereon, were ordered to lay for the present, there being but a bare house to do business.

[p. 307.] Mr. Speaker desired that the house would immediately proceed to consider of the subject matter of his Excellency's speech of yesterday Relative to chusing another agent to be jointly concerned with agent Thomlinson and ordered his Excellency's speech to be read, which accordingly was, then Mr. Speaker desired ye members to take the matter under their serious consideration (which he looked upon to be a matter of moment) & come to some determination thereon, & after sundry Questions, Queries & Debates Relative thereto,

Mr. Speaker (by desire of the house,) put it by yeas & Nays whether they would choose an agent to be joyned with Jno Thomlinson Esq. agent for this province at the Court of Great Britain, and it passed in the negative.

Mr. Speaker put it to vote whether the house would chuse a Committee to prepare An Answer to his Excellency's speech of the 3^d Instant, & it passed in the affirmative. And

Voted, That Col^o Gilman, Col^o March, Capt. Thom^s W^k Waldron and Andrew Clarkson be a Committee of this house to prepare an Answer to his Excellency's speech of yesterday & lay the same before the house as soon as may be.(a)

(a) Journ. C. & Assem. Nov. 5th, 1762. The Council by three of their members sent a verball message to the Assembly acquainting them, that as his Excellency had made a Speech to Both Houses of the third Instant Relative to the appointment of an Agent &c. & the Council understanding that the house had repeatedly addressed his Excellency on that head & desired the House would inform the Board whether they had so addressed: the Council think it Necessary to address on the same head, being unanimously of opinion that it is absolutely [ ] to join (at the Pressing Importunity of Mr. Thomlinson) some suitable person in the agency with him without delay.

Fryday Nov. 5th 1762.

The answer to his Excellency's Speech being Engrossed, was by the Speaker's order, read, and

[p. 308.] Voted, That the following Answer be sent to his Excellency ye Govrs Speech of the third Instant (this passed in the House yesterday.)

May it please your Excellency—

Having considered your Excellency's Speech of yesterday, we beg leave to say, we are sattisfied of Mr. Thomlinson's assiduity in procuring our grants from Parliament & with Joy hear by your Excellencys favour of his Receiving a portion of the King's favour to the Colony's for the year 1760, as it in some measure alleviates the burthen of our constituants.

Mr. Thomlinson's desire of being dismissed or Assisted by a Joynt Agent has been maturely considered by a former Assembly, & should we, a bare house, precipitately rush into a Determination thereof it might be disadvantageous to the province, & as the thing is Intirely new to us, We pray your Excellency will give us leave to defer the determination thereof to a future meeting Especially as we dont apprehend Mr. Thomlinson less willing than he always was or less able to serve the province.

S. H. S. S.

Sent up by Messrs Frost & McDuffey.

A message from the Board by the President, Colo Warner & Joseph Newmarch Esqs to the following purport, viz.

That as his Excellency's message was to both houses, therefore they had been waiting for some vote or Resolve to come up Relative thereto, & that they were unanimously of oppinion that it was necessary to joyn some person with Mr. Thomlinson in the agency; but having had a hint that the house had made a seperate Answer thereto, desired to know what it was as the Governor would expect an answer from them &c. & Retired.

Mr. Speaker immediately took the minds of the house whether a copy of the house's answer should be sent up to the Board & it pass in the Affirmative. A copy was Immediately prepared & sent by the Clerk to the Board with this Messa —viz. yt ys was a copy of the house's Answer to his Excellys Speech to both houses of the 3d Instant, & that the messengers were already gone, & that was the method & practice of the house to send Answers to his Excellys speeches even when directed to both houses.

P M.

[p. 309.] Mr. Secy came down & said 'twas his Excellency's orders to him to adjourn the Genl Assembly to Tuesday the 23d Instant & said Accordingly in his Majesty's name they were adjourned to that Day, & then to meet at 10 o'clock, at the Court House.

Tuesday, Novr 23^{d} 1762.

Met according to adjournment.

Mr. Sec^{y} came into the house & said he was directed to adjourn the General Assembly By his Excellency's order to him to Tuesday Jany 4th next 1763, & said accordingly in his Majesty's name they were adjourned.

[On Tuesday Jany 4th 1763, of his Majesty's Council.

Present.

His Excellency the Governor.

Theodore Atkinson	Esqrs.	Daniel Warner	Esqs.]
Richd Wibird		Joseph Newmarch	
Jno. Downing		James Nevin.	

Tuesday, Jany 4th 1763.

Met according to adjournment. Not a sufficient number of members to make a house, adjourned till 10 o'clock to morrow morning, [and so from time to time till]

Tuesday, Jany 11th 1763.

Coll. Goffe & Col^{o} March sent to his Excellency to acquaint him there was a house. Adjourned, till

[p. 310.] Wednesday Jany 12th 1763.

His Excellency's Speech to both houses of the 4th of Novr Last was Read Relative to the chusing of an agent (to be joyned with John Thomlinson Esq,) for this Province.

The Committee for letting & Receiving money from ye Treasurer to be burnt, Brot into the House this day Two hundred and fifty pounds new Tenor Canada money, & three hundred & seventeen pounds Eleven shillings Crown Point money of no particular Tax, which was burnt to ashes in the face of the General Assembly,—Which money the said Committee Rec^{d} from Obadiah Smith a Constable of Brintwood the 13th day of Augst 1761, and not all burnt till now;—the Reason of which was the Small Pox was y^{n} in Brintwood & the Treasurer did not care to Receive it, & the house order'd that the Honble Col^{o} Warner & Mr. Giddings who had had the Small pox should receive it.

P. M.

[p. 311.] The Honble Richard Wibird Esq. Bro't Down his Excelly^{s} Speech to both houses of yesterdays date, which was read, a copy of which is on file.

Governor's Speech.

[Copied from MS. Gov^rs Mess^a. Vol. III. p. 233.]

Gentlemen of the Council and of the Assembly—

At the opening of this Session in my Speech to both houses, I pointed out only the most interesting measures necessary to be entered upon at that time to secure the Payment of the Publick money in England, which I hope you will be observant of,

The ill state of health I am now in prevents my being so particular as I intended in the Things that relate to the Public, I must therefore only point out to you the General Heads and leave you to act on them as they come in course.

The muster Rolls of Col^o Goffe's regiment shall be laid before you as soon as the Inclemency of season will permit them to be finished.

The Treasurer's Acc^t I have directed to be prepared & in readiness when called for.

The Large Sums of money drawn out of the Treasury since the Commencement of the war, and not accounted for demand your particular care.

The State of his Majesty's Fort remains yet unattended to.

If any thing material has now escaped my notice, I shall endeavor to supply it by subsequent Messages.

B. WENTWORTH.

Council Chamber
Jany 11th 1763.

The Committee appointed by vote of the General Assembly the 19th of June 1762 to receive and tell over the money that was in the Treasury in the Recess of the Court, belonging to any of the sinking Funds, reported That they had received

£4535 : 19 : 1½ ster^g from Com^tee, for Bills of Exchange.		
£24954 : 0 : 7½ new Tenor, as Province Tax,		1760.
£33130 : 17 : 9 new Ten^r	do do	1761.
£112 : 1 : 6 Ster^g as Quaker tax		1760.
£217 : 15 Sterl^g as Quaker tax		1761.

The above Report being read,

Voted, That it be accepted & that the money be Immediately brought into the house & burnt to ashes in the face of the General Assembly.

Adjourned.

[p. 314.] Tuesday Jany 18th 1763.

Coll^o Goffe sent to the Board to Inquire after all the Votes & Acts that passed last Sessions that were struck dead by the prorogation.

P. M.

[p. 315.] The petition of Rev. Mr. Eleazer Wheelock being

brot Down by ye Secretary which pass'd this house July 18th 1762, being again read,

Voted and Resolved, That the Vote of this house relative thereto is again re-voted and sent up this day. (a)

(a) Journ. C. & Assem. Jany 18, 1763. Mr. Clarkson and another member from the house brot up the following, viz. The petition of Eleazer Wheelock as enter'd the 26th of June last allowing him £50 sterling pr Annum for five years towards instructing & Educating the Indian youth, &c. Read & concurred.

[p. 317.] Thursday, Jany 20th, 1763.

Mr. Speaker moving to the house the necessity for taking off of the province Tax for the year 1763, 1764, & 1765, four thousand pounds Sterl^g off each year & the same to be sunk pr Bills of Exchange in order to sink said sum of twelve Thousand pounds Sterl^g and for laying on three thousand pounds new Ten^r on the polls & Estates for the year 1763, in order to make the province Tax Just the same as 'twas the last year, the house took this weighty matter under consideration and after mature deliberation thereon,

Voted That a Bill be prepared agreeable to said motion.

P. M.

The motion in the forenoon Relative to the Tax for 1763, 1764 & 1765 Resumed, and further voted That the fifteen thousand pounds Sterl^g yet remaining of the said years, viz. 1763, 1764 & 1765 be paid in by the Tax according to their respective periods, as by the several Acts of Governm^t express'd for Emitting any or all of the aforesaid sums. Adjourned.

Thursday, Jany 25th, 1763.

[321.] The memorial of Major Robt Rogers praying for the paym^t of himself & the Company which he commanded, in the service of this Governm^t in the winter of 1755 & 1756, as mentioned in the preamble of said memorial, being read

Voted That the memorialist be heard thereon Thursday next at three of the clock p. m. (this vote passed yesterday.) Sent up by ———.

P. M.

A letter signed by a Large Number of Ministers in the Southern Colonies where & near the Rev. Mr. Eleazer Wheelock lives, who put in a petition to this house, praying aid for subsistance &c. of a school for teaching & Instructing the aboriginal nations of the

land in the truth & knowledge of the glorious gospel of Jesus Christ & for the more further and extensive knowledge thereof among said Tribes, being read,

Voted, That a copy thereof be sent to the Honble Council & a copy to be & Remain on the files of this house. Sent up by the Clerk.

NOTE. The Editor regrets that the letter above referred to cannot now be found; but instead of it, he has the satisfaction of presenting the following TESTIMONIAL, sent by ministers in Connecticut to the Ministers of New Hampshire, near the same time, and which probably, is of like import with the letter read to the General Assembly.

Testimonial.

[Copied from MS. Records of the Ministers' Convention, now in the hands of the Editor, pp. 29—31.]

The Convention of Congregational Ministers in the vicinity of Portsm^o being held at the House of ye Rev^d Mr. Langdon in s^d Portsm^o, Sepr 28, 1762, The Rev^d Mr. John Rogers was chosen Moderator, the Rev^d Mr. Macclintock opened the public exercises with Prayer, the Rev^d Mr. J. Rogers preached from 2 Cor. 4:7.

Voted, That the Thanks of this Convention be & hereby are given to Rev^d Mr. Rogers for his Sermon delivered before them this day.

The following Testimonial was then laid before the Convention, viz.

Chelsea in Norwich, July 10, 1762.

We, Ministers of the Gospel & Pastors of Chhs hereafter mentioned with our Names, having for a number of years past, heard of, or seen with Pleasure the zeal courage & firm Resolution of the Revd Eleaz^r Wheelock of Lebanon to Prosecute to effect a Design of Spreading the Gospel among the Natives in the wilds of our America, & especially his Perseverance in it, amidst the many peculiar Discouragements he had to encounter during the late years of the war here, and upon a Plan which appears to us to have the greatest probability of success, viz. by a Mission of their own sons; and as we are verily pursuaded, that the smiles of divine Providence upon his School, & the success of his endeavours hitherto, justly may, & ought to encourage them & all to believe it to be of God, and that which *He* will own & succeed for the glory of his great Name in the enlargement of the Kingdom of our divine Redeemer, as well as for the great Benefit of the Crown of Great Britain, & especially of his Majesty's Dominions in America: So we apprehend the present openings in Providence ought to invite the Christians of every Denomination to unite their Endeavours & lend a helping Hand in carrying on the charitable Design; and we are heartily sorry if party spirit & party Differences shall at all obstruct the Progress of it; or the old Leaven in this Land ferment upon this occasion, & give a watchful adversary opportunity so to turn the course of Endeavours into another Channel as to defeat the design of spreading the Gospel among the Heathen. To prevent which and encourage unanimity & Zeal in prosecuting the Design, We look upon it our Duty as Christians & especially as Ministers of the Gospel to give our *Testimony*, That as we verily believe a disinterested Regard to the advancement of the Redeemer's Kingdom, & the good of his Majesty's Dominions in America were the Governing Motives which at first induced the Rev^d Mr. Wheelock to enter upon the great affair, and to ris^q his own private

interest as he has done in carrying it on; so we esteem his plan to be good, his measures prudently & well concerted, his Endowments peculiar, his zeal fervent, his Endeavours indefatigable for the Accomplishing this Design, and we know no man like minded who will naturally care for their State: May God prolong his Life & make him extensively useful in the Kingdom of Christ.

We have also, some of us, at his Desire examined his acc^{ts}, and find that besides giving in all his own labor and Trouble in the affair, he has charged for the support, Schooling &c. of the youth at the lowest rate it could be done for, as the Price of things have been & still are among us: And we apprehend the generous Donations already made have been & we are confident will be laid out in the most prudent manner & with the best advice for the furtherance of the important design: And we pray God abundantly to reward the Liberality of many upon this occasion, and we hope the Generosity especially of Persons of Distinction and Note will be a happy Lead & Inducement to still greater Liberalities, and that in consequence thereof the wide extended Wilderness of America will blossom as the Rose, Habitations of cruelty become Dwelling places of Righteousness & the Blessing of Thousands ready to perish come upon all those whose Love to Christ & Charity to them has been shown upon this occasion—which is the hearty prayer of

Your most sincere Friends
& humb^{l} Serv^{ts}.

(Signed)
Eben^{zr} Rossiter, Pas^{r} of ye 1st Chh. in Stonington.
Joseph Fish, Pastor of ye 2^{d} Chh. in Stonington
Nathl Whitaker, Pas^{r} of ye Chh. in Chelsea in Norwich.
Benj^{a} Pumeroy, Past^{r} of ye 1st Chh. in Hebron.
Elijah Lothrop, Pastor of ye Chh. of Gilead in Hebron
Nathl Ells, Pastor of a Chh. in Stonington
Mather Byles, Pastor of ye first Chh. in New London
Jonathan Barber, Pastor of a Chh. in Groton
Matt. Graves, Missionary in New London.
Peter Powers, Pastor of the Chh. at Newent in Norwich
David Kirtland, former Pastor of ye Chh. in Newent, Norwich
Asher Rossiter, Pastor of ye 1st Chh. in Preston.
Jabez Wright, Pastor of ye 4 Chh. in Norwich
David Jewett, Pastor of a Chh. in New London
Benjamin Throop, pastor of a Chh. in Norwich
Saml Moseley, Pastor of a Chh. in Windham
Stephen Wright, Pastor of a Chh. in Windham
Richard Salter, Pastor of a Chh. Mansfield
Timothy Allen, Pastor of ye Chh. at Ashford.
Ephraim Little, Pastor of ye 1st Chh. in Colchester
Hobart Estabrook, Pas^{r} of a Chh. in East Haddam
Joseph Fowler, Pas^{r} of a Chh. in East Hadam.
Benj^{a} Boardman, Pastor of a Chh. of X in Middleton
John Norton, Pastor of a Chh. of Christ in Middleton
Benj^{a} Dunning, Pastor of a Chh. of Christ in Middleborough.

Answer of the Convention of Congregational Ministers of New Hampshire to the foregoing Testimonial.

[Copied from Records of Convention &c. pp. 31–33.]

Voted, That Revd Messrs Moody, Langdon, Haven & Foster be a Committee of this Convention to consider & report on the above: Said

Committee laid the following Draught before the Convention which was unanimously Voted & signed by the Moderator.

We, A Convention of Congregational Ministers assembled at Portsm°. Sepr 28, 1762, having read & considered the foregoing Attestation from a Number of Revd Gentlemen in Connecticut, taking into consideration the many obligations the Supreme Ruler has laid upon Christian Chhs. to promote his cause and inlarge the Borders of his Kingdom in this Land, the signal Victories He has granted to our Troops, the entire Reduction of all Canada, so that a way is now open for the spreading the Light and purity of ye Gospel among distant Savage Tribes, & a large Field white unto the Harvest is presented before us:—Considering the infinite worth of ye souls of Men, ye Importance of ye Gospel to their present & everlasting Happiness, and the hopeful Prospect that the *Aboriginal Natives* will now listen to Christian Instruction; considering also the great expence which must unavoidably attend the Prosecution of this great Design, *Think* ourselves obliged to recommend, in the warmest manner, this subject to the serious consideration of our Christian Brethren & the Public.

It is with gratitude to ye Great Head of ye chh. who has the Hearts of all in his Hands, that we observe some hopeful steps taken by the societies founded for the Gospelizing the Indians, and that the Hearts of such Numbers both at Home & in this Land, have been disposed to bestow their Liberalities to enable such useful societies to effect the great Ends for which they are founded.

But as we wish to see every favorable method taken to forward so benevolent & Christian a Design, We therefore rejoice to find that the *Rev^d Mr. Wheelock* has such a Number of Indian youths under his care & Tuition, and in that abundant testimony which his Brethren in the Ministry have born to his Abilities for & zeal & Faithfulness in this important undertaking.

And we do hereby declare our hearty Approbation of it as far as we are capable of judging of an affair carried on at such a Distance; and think it our Duty to encourage and exhort all christians to lend a helping Hand toward so great & generous an undertaking. We would not indeed absolutely dictate this, or any other particular scheme for civilizing & spreading the Gospel among the Indians; but we are perswaded that God demands of the Inhabitants of these Colonies some Returns of gratitude in this way for the remarkable success of our arms against Canada, and that Peace & Security which he has now given us: We must therefore rely on the wisdom & prudence of the Civil Authority to think of it as a matter in which our Political Interests as well as the Glory of God are deeply concerned: and refer it to our Chhs, and all private Christians as peculiarly called to promote the Redeemers Kingdom every where, to determine what will be the most effectual Methods of forwarding so noble & pious a Design, and to contribute to the utmost of their power either towards the Execution of the Plan which the Rev^d Mr. Wheelock is pursuing, or that of the Corporation erected in the Province of the Massachusetts Bay, or any other which may be tho't of here or elsewhere for the same laudable Purpose.

John Rogers, Moderator.

[p. 322.] The petition of Daniel Pierce Esq. being read praying that his fees might be raised as Recorder, the house took the same under consideration & after mature deliberation thereon

Voted, That the fees for Record^s should not be raised but be the same as they were last year. Adjourned.

Fryday, Jany 28th, 1763.

Whereas it is necessary that the Books printed for Province Laws should be inspected previous to an act being made Establish^{g} them as such, Therefore,

Voted, That Meshech Weare & Peter Gilman Esqr be a Committee for that purpose that they may make minutes of such alterations as they find in them from the old Laws & present the same as soon as possible to the General Assembly with their thoughts thereon & that they be hon^{bly} paid therefor, &c.

Sent up for concurrance by the clerk. [Concurred.]

The House took under consideration the subject matter of his Excellency's Mess^{a} to both houses of the 3^{d} of Nov^{r} & again Referr'd to in his Excellencys Mess^{a} to both houses of the 11th Inst. Relative to the chusing of an Agent to be joyned with Jno Thomlinson Esq. who having frequently Requested the same [p. 327.] himself by his lett^{rs} as being Infirm & incapable of serving the Governm^{t} in that capacity as he should be glad to do, therefore

Voted & Resolved, That John Thomlinson jun^{r} Esq. be and hereby is appointed as an agent of this Province to be joyned with his Father John Thomlinson Esq. as agents of this Province at the Court of Great Britain. There was twenty nine members present, when this Resolve passed.

P. M.

Major Rogers being admitted into the house presented his Roll for a Comp^{a} of men in the service of this Governm^{t} in 1756 posted at Fort William Henry & swore to the same.

The house ordered the Committee of Muster Rolls, to examine s^{d} Roll & make Report as soon as may be. (a)

(a) Votes, accts, & bills passed by the house and concurred by the Council, from Jan. 4 to Jan. 30th 1763,

Journ. C. & Assem. Report of Com^{tee} for telling money to be burnt.

Lieut. John Parker allowed £13 : 0 : 10 ster^{g} for impressing a horse in his Majesty's service, and £16 for expences, &c.

Petition of inhabitants of Pembroke about Parish affairs.

Also of Munson & Hollis to vote together.

Also of persons in northwesterly part of Dunstable, to be set off to Hollis—hearing granted.

Ezekiel Gummer allowed 15*s* pr day as door keeper.

James Stoodley, allowed £18 new Tenor for money burnt, in his house.

Recorder Pierce's acct. alowed.

Durham Selectmen's acc^{t}, for small pox, allowed £8 : 8.

The petition of New Hopkinton about the sale of lands to cover the claims of the proprietors of Bow. Granted a hearing.

Selectmen of Greenland's petition relative to their warrant (informal) for gathering a tax.

Bills relative to Breach of the Sabbath; choice of Representatives; Small pox; and Probate act for partition of land of Jabez Smith, dec'd; Import & Excise act.

Petition of Elizabeth Pascal for liberty to do business in her own name—her husband having been absent more than ten years.

Petition of Anna Clark that her husband (non compos) may not sell land, &c.

Petition of Selectmen of Amherst, to be paid for taking inventory of Lyndeborough, allowed £9 : new Tenor.

Samuel French, allowed for his son Levi, a sick soldier, in 1758, £1 : 11 : 5 sterl^g.

Muster Rolls of Coll. Goff's Regiment for the last year, and allowing balances thereon, viz.

Ballance of Capt. Samuel Gerrishes	£188 : 13 : 7 sterl^g.
Ditto Capt. Nehemiah Lovewell	814 : 9 : 5.
Ditto Capt. Jeremiah Marston	715 : 9 : 5
Ditto Capt. Jacob Tilton	609 : 16 : 7

Petition of inhabitants of New Ipswich to tax the land of non-residents one penny sterling pr acre. Granted.

Allowed Com^tee for impressing £10.000, £22 : 8 : 3.

Further allowed on Capt Samuel Gerrish, muster Roll, £642 : 6 : 8.

Acct^s of Selectmen of Brentwood, allowed £23 : 19 : 8.

The Clerk & Mr. Giddings sent to Council Board with the Treasurer's acco^ts with a copy of an acct currant for the Treasury confirm his acc^ts agreeable thereto, for that the House were unanimous that they would not receive any acc^ts from him wherein he had charged Comissions, But that he Debt himself with said Commissions, & instead thereof to charge the Province with their Grant made him in full for his services as Treasurer, viz. Six hundred and Twenty five pounds pr annum from the 6th day of Augt 1760 to the 2^d Instant, & that the house desired that he might be sent for immediately before the Board & Informed thus much, if it was agreeable to them.

Tuesday Feb. 1, 1763.

[p. 328.] [Muster Rolls allowed for the Summer season, of last year, of Capt. John Hazzen, for 109 men,	£809 : 19 : 10 sterl^g
Capt. John Hazzen for 49 recruits	115 : 13 : 10.
Col^o John Goff's, Staff Roll — — — —	436 : 5 : 0
[p. 329.] Maj. Robt Rogers, for 43 men in winter season, 1756.	235 : 11 : 9½]

Concurred by Council

[P. 330.] Memorandum of sundries supplied sundry soldiers in the New Hampshire Regiment in the year 1761, by Messrs Porter & Caldwell [sutlers,] viz.

In Captain Samuel Gerrishes Company.

John Martyn—	sterl^{g}	£7 : 16 :
Joseph Buswell		1 : 10 : 4
Seth Thompson		3 : 9 : 1
John Huntriss		1 : 1 : 8
Thomas Ransom		4 : 2 : 10
John Davis		9 : 7
Silas Flood		6 : 17 : 6
James Kelley		5 : 3 : 6
Robt Gilman		8 : 6
John Critchett		1 : 3 : 5
Jon^{a} Murry		4 : 14 : 9
Saml Mackriss		1 : 7
William Plumer		2 : 5 : 4
Amos Roe		1 : 6 : 3
John Gilman		4 :
Thomas George		1 : 19 : 7
Pero Hall		1 : 5 : 3
Richard Ransom		3 : 1 : 10
James Beverly		1 : 8 : 11
Samuel Kenny		7 : 3
		£48 : 17 : 6

[P. 331.] Sundrys supply'd Capt. Tilton's Comp^{a}.

John Jones	sterl^{g}	£1 : 14
Benj^{a} Kenniston		4 : 10
William Beard		1 : 2
Josiah Weeks		19 : 4
George Berry		2 : 1 : 1
Phillips Yetton		2 : 5
		5 : 2 : 10

Sundrys in Capt. Lovewell's Comp^{a}, viz.

Benjamin Davis	1 : 0 : 7
Amos Kenny	1 : 3 : 1
	2 : 3 : 8

Sundrys in Capt. Hazzens Roll, viz.

William Heath	0 : 14 : 4
Robert Speer	1 : 13 : 9
	2 : 8 : 1

Sundrys in Capt. Marstons Roll, viz.

Benja. Smart	1 : 6 : 8
Dennis Sullyvan	2 : 18 3
	4 : 4 : 11

Total £62 : 17 : 0.

Allowed, and concurred by the Council.

[p. 333.] Wednesday Feby 2^{d} 1763.

Whereas John Thomlinson of East Barnet, Esq. has long acted as agent for this Province at the Court of Great Britain to the approbation of the Province, but by reason of age & bodily infirmity hath for many years past desired y^{t} some other suitable person might be appointed in his room or at least to act in concert with him, & Whereas it may be very detrimental to the Province in case the said Thomlinson should by Death or sickness be rendered incapable of attending at the several Boards, & by that means the province loose the advantage of such solicitations & Informations as may be necessary for its welfare & advantage, Therefore,

Voted That John Thomlinson jun^{r} of London Esq. be & hereby is nominated & appointed Joynt agent with the said John Thomlinson of East Barnet Esq. for this Province at the Court of Great Britain, and that the said Jno Thomlinson & John Thom [p. 334.] linson, jun. Esq. have full power for & in behalf of this province, before his Majesty, the Parliament of Great Britain, or any other Court, Board or office in Great Britain to appear for and in behalf of this Province to do & transact any and every affair proper for an agent or agents to Transact, agreeable to such Instructions and advice as they shall or may from time to time Receive from the province, & that no failure of appearance may happen by the Death or inability of either of the said agents, it is further Voted That the survivour or him whose health or ability will permit his attendance aforesaid shall be & hereby is authorized & impowered to appear & transact as aforesaid as fully to all Intents & purposes as tho' both acted Joyntly therein.

This vote Passed Jany 28th 1763, till this forenoon sent up by Messrs March, Blanchard Worthing & Tappan.

(a) Jour. C. & Assem, Feb. 2^{d} 1763. Coll. March & 3 other members from the house Brot up a vote for appointing John Thomlinson Jun. Esq, joint Agent with John Thomlinson Esq. at the Court of Great Britain, Read & concurred.

[p. 335.] Thursday, Feby 3^{d}, 1763.

The Bill to authorize & Impower John Thomlinson of East Barnet & John Thomlinson jun. of London, Esq. to appear for & Transact the business of this Province as agents at the Court of Great Britain, having been read three times.

Voted that it pass to be Enacted.

S. H. S. S.

Sent up by the Clerk. [Concurred & passed by Council.]

The Bill to Enable the owners of Sandy Beach marsh and Thatch bank ground there, to finish a wharf to prevent the beach from being washed away by the violence of the sea-tide &c. having been read three times voted that it pass to be Enacted.

S. H. S. S.

[Concurred & passed by the Council.]

Whereas for want of proper care in forwarding the Treasurer's warrants for the Province Tax & great failure of doing proper means for collecting the same large sums therefore have been for many years outstanding,

Resolved & Voted That the Treasurer be & hereby is Impowered to hire a suitable person at the province Expence to carry out his warrants for the Province Tax & deliver them into the hands of one or more of the Selectmen of the Respective Towns or Parrishes within the Province, whose Returns (being under oath to the faithfull discharge of the trust) of the delivery thereof, and the persons names to whom delivered, shall be Esteemed sufficient Evidence of the delivery; & it is further Resolved & Voted, That the Treasurer use his utmost Endeavours to collect all the outstand^s Debts of the Province Tax or take them to his own accounts, and be accountable to the Province therefor, & that the Sec^y furnish ye Treasurer with a copy of this Resolve: & Whereas Richd Jennes, the third, Esq. has this day mentioned & offer'd [p. 336.] the house to Deliver all such warrants as aforesaid at & for Twenty pounds new Tenor pr annum, Therefore Voted that the said Richard Jennes, ye third, Esq. be & hereby is appointed to Deliver said Treasurer's warrants, & that he be paid Twenty pounds new Tenor out of money in the Treasury untill further orders of the General Assembly and to be in full for such services per annum: (a) Sent up by the Clerk & Mr Giddings. [Concurred.]

(a) Jour. C. & Assem. Feb. 3^d 1763. A vote of the house of this day Directing that all the money now in the Treasury for Province Taxes as the Ballances of the Treasurer's Accot, as also what may be bro't in for the Tax in 1762, be immediately applyed to sink so much of the several Funds & that the Treasurer pay off all Warrants for the future out of the £10,000 sterling bills, dated ye 1st of January 1763, & directing the Committee appointed to settle the Treasurer's acc^ts, to Receive the s^d Ballances in the recess of the Assembly & Lock it up in the Province Strong Box, in order to its being burnt—which vote was Read & concurred.

P. M.

[p. 338.] Voted, That the Treasurer send out his warrants for collecting the Province Tax for the currant year which may be paid in Species agreeable to the prices fixed & sett to the following Merchantable articles of this Province viz.

Barr Iron	at	£6:	pr Hundred
Hemp	at	0: 3:	pr pound
Indian Corn	at	10:	pr bushell
Rye	at	10:	pr Do
Peas	at	15:	pr Do
Winter Wheat	at	1:10:	pr Do
Barley	at	10:	pr Do
Pork	at	1:	pr pound
Beef	at	0:9	pr Do
Flax	at	2:6	pr Do
Beeswax	at	5:	pr Do
Barberry wax	at	3:	pr Do
Well tanned sole Leather	at	4:	pr Do
Tallow	at	2:6	pr Do
Winter & Spring Cod fish,	at	4:	pr Quintile
Pitch	at	3:10	pr barrell
Tar	at	2:	pr Do
Turpentine	at	4:	pr Do
White Pine joyst	at	6:	pr Thous^{d}
White Pine Boards	at	7:	pr Thous^{d}
White oak two Inch plank,	at	25:	pr Do

Sent up by Mr. Giddings. [Concurred]

Friday, Feby 4th 1763.

Whereas by a vote of the Legislative body of this Province the last year, the Troops Rais'd in this Governm^{t} should have two pence str^{s} pr Day allowed them as Billeting over & above the four pence ster^{s} pr day allowed them by the King, until they Rec^{d} the King's provisions to march to the place of Rendezvous, [p. 339.] & Whereas the said Rolls for allowance of the two pence untill their Receiving the Kings provisions have this forenoon been presented to the house, which Rolls are very imperfect, & the house expecting to be adjourned this forenoon, But that the soldiers might Receive their just dues, by being paid them by the Treasurer, while paying off the muster Rolls for the year 1762, (& not by the Captains as heretofore) whereby its most probable they may Receive their Respective Billeting, Therefore

Voted & Resolved That the said Billeting Rolls be Referred to the Committee for examining muster Rolls, & after being so examined by them, and their certificate being thereon, for the amount of each Roll, & that the several & respective sums as carried off against each man's name is just & right & ought to be paid to them, their order widow or legal representative, Except minors whose parents, master or guardians shall be deemed their Legal Representatives, & that no officer or soldier be allow'd the two pence pr Day after the time appointed by the Governor for Receiving their provisions at Litchfield & that the Treasurer be & hereby is authorized & Impower'd to pay said Rolls agreeable thereto.

And Whereas its Represented to this house that the two penny Rolls for the 1761 are not paid, Its further Voted that they be made out, & Referred to said Committee for Examination and certified and paid as before.

H. Sherburne, Speaker.

Sent up by the Clerk,
Read & concurred in Council,
T. Atkinson, jun. Clerk
Consented to

B. Wentworth.

The Clerk sent to the Board to inform that the house had nothing more to send up, that they had finished the Business of the sessions & cleared the files of the house and only waited to be adjourned. But that before the Sec^y did come down to adjourn, the house would be glad to know what Bills & Votes were passed the Council that had passed the house this sessions. (a)

(a) Votes, Acc^ts, & bills passed the house & concurred by the Council from Jany 31, to Feb. 4, 1763.

Petition of inhabitants of Rye, for leave to bring in a bill, relative to their Marsh, &c. granted.

Acc^t of Committee for purchasing Stores for 1762, allowed £709 : 17 : 7 Sterl^g.

Richard Bartlett, a soldier, 1761, for service as Doctor's mate allowed £10 : 10 Sterling.

Nathan Smith, a soldier sick at Crown Point, allowed £7 : 2 : 6, Sterl^g.

Selectmen of Greenland for care of Robt. Sulden, a sick soldier, allowed £4 : 16 Sterl^g.

Peter Morse, for his son, a sick soldier allowed 8s Sterling.

Committee for settling the Treasurer's Acct, allowed £26 : 7 : 3, Sterl^g.

Ebenezer Lyon a soldier wounded by the bursting of a gun allowed his expences. £2 : 2s. Sterling.

Acc^t of Daniel Pierce, recorder, allowed £5 : 6 : 4. Sterling.

Bills read a third time & passed, viz. (1) A Bill to enable the Agents to recieve money for this Government at the Court of Great Britain. (2) Bill to enable people of Rye to finish a Wharf to prevent the tide from carrying away Sandy Beach. (3) A Bill to make more easy a partition of land. (4) To enable the proprietors of old Dunstable to choose a clerk & remove disputes, &c.

Vote to allow committee for examining muster rolls, £4.

The Sec^y Immediately Brot down a mem^o of the Bills & Votes that were not passed but lay for consideration, delivered it to the Speaker, & immediately said he was directed by his Excellency to adjourn the General Assembly of this Province to Tuesday the 5th day of April next & then to meet at 10 o'clock before noon & said accordingly in his Majesties name they were adjourned.

[p. 340.] Tuesday, April 5th 1763.

The General Assembly was further adjourned to Thursday the third day of May next by Proclamation. See the New Hampshire Gazette No. 340, of the 8th Instant.

Tuesday, May 3d 1763.

The General Assembly was further adjourned to

Wednesday, June 1st 1763.(a)

(a) Jour. C. & Assem. June 1st 1763.

Present

His Excellency Benning Wentworth, Esq. Govr in Chiefe

The Honble Theodore Atkinson	Esqs.	Joseph Newmarch
Richard Wibird		James Nevin
John Downing		Theodore Atkinson jun^r.
Danl Warner		

Not a sufficient number to make a house this forenoon, adjourned.

P. M.

Voted That Major Joseph Blanchard & Richard Jennes Esq. be a committee of this house to wait on his Excellency & Inform him there was a house in Town & setting, waiting his Excellency's pleasure.

Voted That Capt. Thomas W^k Waldron wait on the Board & Inquire whether the Bills & votes that passed this house before the last adjournm^t were concurred & assented too. Adjourned.

Thursday, June 2d, 1763.

Mr. Sec^y came down & desir'd the attend^ce of the Speaker & house at the Board; ye house immediately attended, when the Governor's Speech was read to them. The house after being returned to their room sent ye Clerk for a copy thereof—which is on file.

Governor's Message.

[Copied from MS. Gov^rs Mess^a. Vol. III, p. 235.]

Gentlemen of the
Council & of the Assembly

It is with the Highest satisfaction that I can acquaint you, that the Earl of Egremont one of his Majesty's Principal Secretarys of State, has

transmitted me the Definitive Treaty of Peace between his Majesty & the most Christian & Catholic Kings, signed at Paris on the 10th of February, to which the Portugese Ambassador Acceded the same day: I most sincerely congratulate you on the completion of this great and Salutary work, by which North America is most essentially benefitted.(1)

It was for the better Accommodation of the members of both Houses, that I adjourned the Assembly to this day, and I hope you will unite in making such supplys and grants for the service of the Current year, as are necessary, that I may put an end to this session.

B. Wentworth.

Council Chamber in Portsmouth.
June 1st, 1763.

Abstract of Said Treaty, of Peace.

[Copied from Holmes Amer. Annals, Vol. II. pp. 113, 114, Camb. 1829.]

"By the second article, France renounces and guarantees to Great Britain all Nova Scotia or Arcadia, and likewise Canada, the Isle of Cape Breton, and all other islands in the Gulf and river of St. Lawrence. By the third article it is stipulated, that the French shall have the liberty of fishing and drying on a part of the island of Newfoundland, as specified in the thirteenth article of the Treaty of Utrecht; and the French may also fish in the Gulf of St. Lawrence, so as they do not exercise the same but at the distance of three leagues from all coasts belonging to Great Britain, as well those of the continent, as those of the islands in the said Gulf. As to what relates to the fishing out of the said Gulf, the French shall exercise the same, but at the distance of 15 leagues from the coasts of the Isle of Cape Breton. By the fourth article, Great Britain cedes to France, to serve as a shelter for the French fishermen, the island of St. Peter and of Miquelon; and his most Christian majesty absolutely engages not to fortify the said Island, nor to erect any other buildings thereon, but merely for the convenience of the fishery; and to keep only a guard of fifty men for the police. By the sixth it is stipulated, that the confines between the dominions of Great Britain and France on the continent of North America shall be irrevocably fixed, by a line drawn along the middle of the river Mississippi from its source, as far as the river Iberville, and from thence by a line drawn along the middle of this river, and of the lakes Maurepas and Pontchartrain, to the sea; and to this purpose, the most Christian King cedes in full right, and guarantees to his Britannic Majesty the river and port of Mobile and every thing that he possesses on the left side of the river Mississippi, except the town of New Orleans, and the island on which it is situated, which shall remain to France; provided, That the navigation of the river shall be equally free to the subjects of Great Britain and France, in its whole breadth and length, from its source to the sea; and that part expressly, which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth: and the vessels belonging to the subjects of either nation shall not be stopped, visited or subjected to the payment of any duty whatsoever. The stipulations in favour of the inhabitants of Canada, inserted in the second article, shall also take place with regard to the inhabitants of the countries ceded by this article; that is, that the French in Canada may freely profess the Roman

(1) This Treaty is not found in the Archives of N. H. but in Vol. VII, pp. 519—522 of *N. Y. Colonial Manuscripts*, is a letter from the Earl of Egremont to the Lords of Trade, containing the substance of the Articles of Peace, with sundry inquiries, &c. which see.

In *The Annual Register* Vol. 5, 1762. pp. 233—243, London, 1780, may be found the Definitive Treaty of Peace, in full. See in N. H. State Library. Ed.

Catholic religion, as far as the laws of Great Britain permit; that they may enjoy their civil rights, retire when they please, and may dispose of their estates to British subjects. By the seventh article, it is stipulated, that Britain shall restore to France the islands of Guadaloupe, Marigalonte, Desirade, and Martinico, in the West Indies, and of Belleisle, on the coast of France, with their fortresses; Provided, that the term of eighteen months be granted to his Britannic Majesty's subjects, settled there and in other places hereby restored to France, to sell their estates, recover their debts, and to transport themselves and their effects, without being restrained on account of their religion, or any pretence, except for debts or criminal prosecutions. By the eighth article, France cedes and guarantees to Great Britain the islands of Granada and the Granadines, with the same stipulations in favour of their inhabitants, as are inserted in the second article for those of Canada: And the partition of the islands called neutral is agreed and fixed, so that those of St. Vincent, Dominico and Tobago, shall remain in full right to England, and that of St. Lucia shall be delivered to France in full right, the two crowns reciprocally guaranteeing to each other the partition so stipulated. By the sixteenth article, it is stipulated, that his Britannic majesty shall cause all the fortifications to be demolished, which his subjects shall have erected in the bay of Honduras, and other places of the territory of Spain, in that part of the world. And his Catholic Majesty shall not, for the future, suffer the subjects of his Britannic majesty, or their workmen, to be disturbed or molested, under any pretence whatsoever, in their occupation of cutting, loading, and carrying away logwood; and for this purpose they may build, without hindrance, and occupy, without interruption, the houses and magazines necessary for them, for their families, and for their effects; and his said Catholic majesty assures to them, by this article, the entire enjoyment of what is above stipulated. By the seventeenth article, his Catholic majesty desists from all pretensions which he may have formed to the right of fishing about the island of Newfoundland. By the eighteenth article, it is stipulated, that the King of Great Britain shall restore to Spain all that he has conquered in the island of Cuba, with the fortress of Havana; and that fortress, as well as all the other fortresses of the said island, shall be restored to the same condition they were in when they were conquered by his Britannic majesty's arms. By the twentieth article, his Catholic majesty cedes and guarantees, in full right, to his Britannic Majesty, Florida; with the Fort St. Augustine and the Bay of Pensacola; as well as all that Spain possesses on the continent of North America, to the east, or, to the southeast of the river Mississippi; and in General, everything that depends on the said countries and lands, with the sovereignty, property, and possession, and all rights acquired by treaties or otherwise, which the Catholic King and the Crown of Spain have had till now, over the said countries."

[p. 341.] Mr. Secretary Brot Down the petition of Col° Bayley & Capt. John Hazen praying for a Rhoad from the heads of some of the out Towns to Cooss, therein setting forth the advantage both to the public & private &c. being read, adjourned till 3 o'clock

P. M.

The petition of the agents of the Parish of Pembrook, praying to be released from paying Taxes to the Rev^d Mr. Whittemore, & to be sett off as a Parish by themselves, as a Presbyterian Parish, being read—

Voted That the Prayer thereof be granted & that the petitioners have liberty to bring in a Bill accordingly. Sent up by the Clerk.(a)

(a) Jour. C. & Assem. June 3, 1763. Mr. Clarkson from the house brot up the vote [*petition?*] of David Connor and Thomas Lucas agents for the Town of Pembrook as enter'd the 15th of Jany last, with a vote of the house thereon: That the prayer of the petition be granted and that they may have liberty to bring in a Bill accordingly, Read & concurred, with this Amendment, That the Presbyterian party pay their proportion of Judgment recovered by Mr. Whitemore till they had a minister settled by the Presbytery, which is 3 months and Whereas the Parish have voted to raise by Tax a sum of money to oppose the prosecution of their affairs, which was as it appears in favour of the Presbyterians, that whatever sum this may amount to the Congregational party be exonerated from. Sent down for concurrence. [Read & concurred by the house.]

Fryday June 3d 1763.

[p. 342.] Voted That the Honble Meshech Weare Esq. prepare an answer to his Excellencys Messa of the first instant, & lay the same before the house at soon as may be.

The petition of the Inhabitants of Ipswich praying a tax on lands in sd Township of a penny pr acre for five years, to enable them to build another meeting house, being read,

Voted that it be dismissed.

The petition of sundry of the Inhabitants of Monson praying that they might be set off to Hollis being Read, the parties on both sides appeared, and their several pleas & allegations being heard, the parties that it be dismissed, the petitioners not appearing,

The house took the matter under consideration & after sundry Debates & Mature consideration thereon,

Voted, That said petition be Dismissed.

P. M.

[p. 343.] The Honble Meshech Weare Esq. who was to prepare an answer to his Excellency's Messa of the first Inst. to both houses & lay the same before the house as soon as may be, presented said answer this afternoon to the house, which was read, and,

Voted, nemine Contradicente, that the Clerk Ingross the same, which was Immediately done, and,

Voted, That the following answer be sent to his Excellency the Governor's Speech of the first Instant.

May it Please your Excellency

The Establishment of peace, the Definative Treaty Relative to which Between his Majesty & the most Christian & Catholick Kings, your Excellency is pleased to inform us is transmitted to you—a Peace which we trust

[p. 344.] is honorable to the Nation, and likely to be peculiarly advantageous to his Majesty's good subjects in North America, cannot but give the greatest satisfaction to the Representatives of his Majesty's good subjects in this Province, who have with so much cheerfullness exerted themselves to the utmost through the whole course of the Burdensome War, in hopes of so happy an Event which now they sincerely Rejoyce in.

We can answer your Excellency that it is the hearty disposition of this house to take into their consideration the State of this Province as it now is, and to make such grants as appears necessary for the best good & Benefit of the Community, which we trust will be done with unanimity and Dispatch as nothing but the hope of doing service to the Publick could make us easy in neglecting our private affairs.

Signed, S. H. S. Sr

Sent to his Excellency by Messrs Emerson & Hale, Esqs.

[p. 346.] Wednesday, June 8th 1763.

Voted, That the following Message be sent to the Honble his Majesty's Council.

Whereas sundry Acts have been passed in this house and sent to the Board which appear to this house to be very necessary for the good of the Community, many of which we understand are unpassed upon which much Retards the public Business, It is the desire of this house that the Honble Council would pass such Acts as lay before them or let the House know the Objections, that the necessary alterations may be made.

Sent up by Jno Hale, Esq.

Mr. Secy Brot Down the Resolve of this house of Jany 18th 1763, Relative to the Revd Mr. Wheelock's memorial with the Vote of Council hereon, wch is as follows, viz,

In Council, June 8th 1763.

[p. 347.] Read and concurred with this Amendment, (viz.) That instead of fifty pounds a year for five years, mentioned in the above vote there be granted to the said Eleazer Wheelock the sum of fifty pounds Sterling, only, & that the Comittee mentioned in said Vote conform the Draft of their Bills accordingly to be drawn for immediately.(a)

Theodore Atkinson junr, Secy

Read & concurred—

A. Clarkson, Clerk.

(a) Jour. C. & Assem. June 8, 1763. The Council took under consideration the vote of the house of the 18th of Jany last Relative to the request of the Revd Mr. Eleazer Wheelock for granting him the sum of £50 Sterling for five years towards the instruction & support of some of the youths of the Indian Nations, & concurred the same with an amendment that he receive the sum of fifty pounds only &c. which amendment was concurred by the House & consented to by the Governor.

Thursday June 9th, 1763.

[p. 348.] The petition of sundry persons of Portsm° & other Towns praying a Bounty on Fish, flax, Hemp & Wheat, being read,

Voted, That Col° Weare, Col° Gilman, Capt. Frost & Andrew Clarkson be a Committee of this house, to consider of the subject matter thereof & make Report to this house immediately.

Fryday June 10th 1763.

[p. 351.] The Sec^y came down & informed the house that the Council had passed all the Acts that lay before them, save^g the Excise Act, Sabbath Act, & the Act for Regulating Town meet ings, Likewise the petition of Benj^a Page, wch was read.

Saturday June 11th 1763.

The Honble Joseph Newmarch Esq. came into the house & made a motion that the house would indulge the town of New Castle to a future day in paying some back arrearages of the Province Tax, as they were under some difficulties in collecting the same, by the Constables' dying, &c.

The house took the matter under consideration & it appearing that some of s^d Taxes had been due, nine or ten years, the Question was put, Whether there should be any further Indulgence, & it passed in the Negative.

[p. 354.] Wednesday, June 15th 1763.

The Committee appointed of the 9th instant to make Report on the petition signed by a number persons praying a Bounty on fish, hemp, Flax & Wheat, made their Report next day which was omitted entring then, and is as follows (& Entered on said Petition,) viz.

Province of New Hamp^r } June 10th 1763.

The Committee appointed to consider of the subject matter of the foregoing petition beg leave to Report as follows, viz. That when the Excise Act pass'd by this house & now before the Council shall be passed by the Honble Council and assented to by his Excellency, We think it advisable that then a bounty be given on fish, hemp, flax & wheat to be paid out of the money Raised by said Excise(a)

Meshech Weare, in behalf of the Committee.

(a) Votes, Bills, Acc^{ts} &c passed in the house and concurred by the Council, from June 1st to June 15th, 1763.

Jour. C. & Assem. An act passed for taking off and lessening the Province Tax. Also an act for assessing & collecting the arrearages of the Province tax.

Matthew Bryant, a soldier in 1760, sick with the small pox, allowed £8 : sterling.

Sarah Blunt, allowed £12 : 2 sterling, as salary to her late husband for preaching to the soldiers.

Orlando Colby, allowed £4 sterl^{g} for his son Rowell Colby, a soldier deceased.

Doct. Silas Baldwin, for care of sick soldiers, allowed £29 : 11 : 10, Proclamation money.

Committee for signing £10,000, allowed £40 : 10 : 6 sterl^{g}.

Petition of David Lawrence, Esq. and Abraham Perkins of Epping praying to have their Roads changed, granted a hearing.

Bills passed. (1) A bill enabling the Treasurer to issue his warrants &c. (2) A bill for ascertaining what places may send representatives. (3) A bill for providing in case of sickness.

The Governor allowed £250 new Tenor for house rent, and £1250 new Tenor, equal to £200 sterling, for years salary.

Theodore Atkinson, Sec^{y}, allowed, for services—	£4 : 16	sterling.
Thomas Packer, Sheriff " "	3 : 4	"
Rev. Samuel Langdon & Rev. Saml Haven, chaplain	2 :	each.
Nathl Fellows, door keeper, allowed	5 : 12	
Capt. Bell pr soldiers at Fort Wm. & Mary	211 : 12 : 6	
Capt. Bell for expences of wood &c.	6 : 16 : 6.	
Andrew Clarkson, for examining Pay Rolls, &c.	3 : 5 : 6.	
Rev. Saml Langdon, for chaplain, 1761,	1 : 18 : 6	
Geo. Gains acc^{t} for book cases, &c in full,	2 : 0 : 0	
Doct. Samuel Mattoon's care of sick soldiers, 1758,	2 : 15 : 0	

A bill to enable a Committee to sell part of the common & undivided Lands in New Hopkinton, passed.

[p. 355.] Mr. Sec^{y} came into the house & said he was directed by his Excellency to prorogue the General Assembly of his Majestys province of New Hampshire to Tuesday the twentyeth Day of September next, and accordingly said in his Majestys name they were prorogued.

September 20th 1763.

Met according to adjournment.

His Excellency further Prorogued the General Assembly to Wednesday Octob^{r} 26th by Proclamation the same day & the Sec^{y} came to the house & informed them of it.

His Excellency further Prorogued the General Assembly to Wednesday the 9th day of Novr as by his Proclamation of this Day.

His Excellency by Proclamation, further prorogued the General Assembly to Tuesday the 29th Instant.

[p. 356.] Tuesday, Nov. 29th 1763.

Met and adjourned, till

Wednesday, Nov. 30th 1763. p. m.

Voted That Colº Smith & Colº Jnº Goffe with John Wentworth, Esq. wait on his Excellʸ to let him know there was a house.

[Of his Majesty's Council

Present

His Excellency Benning Wentworth Esq. Governor and Commander-in-chief.

Theodore Atkinson Richard Wibird John Downing	Esqrs.	Daniel Warner Joseph Newmarch James Nevin]	Esqrs.

The Honᵇˡᵉ Richard Wibird Esq. & Daniel Warner Esq. came into the House & said his Excellʸ desired the attendance of the members at Council Board.

The Speaker with the members Imediately attended & the President read his Excellʸˢ speech to both Houses. After the house was returned to their Room & taken their places, Jonᵃ Moulton Esq. was sent to the Board to desire a copy of his Excellyˢ speech.

The Honᵇˡᵉ Richᵈ Wibird Esq. Brot into the house a Copy thereof—which is on file.

Governor's Speech.

[Copied from MS. Govʳˢ Messᵃ, Vol. III, p. 237.]

Gentlemen of the Council
& of the Assembly

His Majesty's service made it necessary for me to keep the Assembly under short prorogations until now, by which means I am hoping, you will be the better able to attend on the public business.

Gentlemen of the
Assembly

Out of a tender regard to the welfare of the Province, I have hitherto delayed transmitting what has occurred in the House relative to fixing a Salary on the Chief Justice & other Justices of his Majestys Superior Court of Judicature, in obedience to his late Majesty's additional Instruction to me, which I presume you have enter'd in the records of your house, if not I shall order it to be laid before you, and when you take the said Instruction under consideration, it will give me great pleasure to transmit a litteral complyance therewith to the King.

The State of his Majesty's Fort William & Mary requires your immediate consideration, and as the honor & safety of the Province depends on an ample grant for that service, to enable me to put it in a proper posture for defence, I shall hope you will effectually do it.

The public money outstanding in the hands of private persons, is a great injury to the Government. It will therefore be highly necessary,

in order to know the true state of the Treasury, that you enable the Treasurer forthwith to call in the sums outstanding, as well as such sums as remain unpaid on former loans, as the sums issued out of the Treasury. In the meantime I shall order the Treasurer to lay his accounts before you.

Gentlemen of the
Council & of the Assembly

A lively zeal for his Majesty's service cannot fail of tending to the Prosperity of the Government, and on all measures that have a tendency to such desirable ends you may rely on my ready assistance.

B. WENTWORTH.

Council Chamber
30th Novr 1763.

[p. 357.] Voted, Colo Peter Gilman, Capt. Thoms Wk Waldron & Andrew Clarkson be a Committee of this house to prepare an answer to his Excelcys Speech.

The Honble Theodore Atkinson Esq. brot down the Report of the Committee for telling the money in the Treasury which was read & [Accepted and the money remaining in the hands of the Committee ordered to be burnt to ashes in the face of the General Assembly.]

[p. 362.] Saturday December 3d, 1763.

The Committee for Examining Muster Rolls brought into the house this forenoon, Capt. Timo. Bedels Muster Roll committed to them yesterday for their examination & Inspection signed by the chairman of the said Committee, as well vouched & Right cast. The house took sd Roll under consideration &

Voted, That the Muster Roll of Capt. Timothy Bedel for fifty one men Posted at Crown Point the last winter, being this province Quota of men demanded by his Excelly Gen. Amherst and under his Command Raised for securing his Majesty's Dominions & Conquest in North America, be allowed, and that the Ballance of Wages amounting to Three hundred thirty nine Pounds, two shillings & five pence sterls be paid out of bills Emitted by act of Government for that purpose now in the Treasury, that the Ballance for wages due to each person as carried off against his name be paid to him, his order, widow or Legal Representative, except minors, whose parents, masters or guardians shall be Deemed their Legal Representatives.

Also voted, That no person mentioned in or on said Roll who Received money of any of the Kings officers on the province acct of the Treasurer, or of the Committee of War for the use of said Expedition, or who have made any stopages in sd Roll against officers or privates for themselves or others (so far relates to the Province) Receive any Ballance due to him or them from the Province, till they have settled for the money so Received with

said Committee & produced to said Committee each man's Rec^{t} for any Dollars paid them on the Governm^{ts} acc^{t} to bring them home, that the Captains shall also furnish said Committee with the number of men & their names that have not received any money to bring them home, & further Voted, That the Treasury stop four pounds seventeen shillings sterl^{g} from Nicholas Duley mentioned in said Roll for & on acc^{t} of the Province & that he Credit the same, said Duley hav^{g} Rec^{d} a double Bounty not as yet accounted for. £339 : 2 : 5
4 : 17 Duley=£334 : 5 : 5.

Sent up by Coll. Goffe. [Concurred.]

[p. 363.] Mr. Caleb Page petition in behalf of the Inhabitants of Starkstown so called pray^{g} ease in their province Tax being read,

Voted, That Col^{o} Saml Barr & John Goffe Esq. be & they are hereby appointed to take an acc^{t} of all the Polls & Rateable Estates in said Town & make Report to the Genl Assembly as soon as may be under oath. Sent up by Mr. Gidding.(a)

(a) Jour. C. & Assem, Decr 7, 1763. Mr. Giddings from the house brought up the petition of Caleb Page in behalf of himself & other inhabitants of a Place called Starks Town, setting forth that the Petitioners had Received the Treasurer's Warrant for assessing the Province Tax &c. & that they were in no capacity to make any assessments not having any Incorporation or Invested with any town privileges &c. Praying the advisement of the General Assembly, with a vote of the House thereon appointing to take an account of all Polls & Rateable Estates in said Town & make Report to the General Assembly under Oath as soon as may be. [Read & concurred.]

[p. 365.] The Petition of James Bean & others being Quakers, praying for ease in their Taxes, &c. being read:

The petition of Mr. Job Kenniston praying for ease in his Taxes, as above, being read,

Both parties appeared & after being fully heard thereon, it being late in the Evening the Determination thereof ordered to be put off till the morning.

Thursday Decr 8th 1763.

The petition of Mr. Job Kenniston heard the last evening was resumed this forenoon after many Debates thereon,

Voted, That the prayer thereof be Granted & that the said Petitioner with his sons John & Joseph Kennison be exempted from paying said Tax & that the said Taxes be laid on the Parish in general the next year & that the Petitioner have Liberty to bring in a Bill accordingly.

The petition of James Bean & others heard last evening Resumed this forenoon, and

Voted, That the prayer thereof be granted so far as that Messrs Stephen Dudley, Danl Gourden, Joseph Judkins, Ithial Smith, Jon^{a} Bede, Joseph Dudley, James Bean, Thos Gourden, Jona. Glidden, James Young, Danl Ladd, be exempted from paying s^{d} Tax, and that the s^{d} Taxes be laid on the Parish in General the next year & that the petitioners have Liberty to bring in a bill accordingly. Sent up by the Clerk.

[p. 368.] Whereas the agents of this Province at the Court of Great Britain have apprised this Government that pursuant to an order of the Right Honble the Lords Commissioners of his Majesty's Treasury & an agreement made by the agents of the several provinces or Colonies in North America, the Province of Pensilvania is to pay unto this province the sum of five hundred & five pounds eighteen shillings & six pence sterl^{g}, being part of Ten thousand nine hundred & forty seven pounds sterl^{g} which was paid to the said province of Pensilvania more than the true proportion of a grant of Parliament made to the s^{d} provinces or Colonies in the year 1761 for the 1760,

Resolved and Voted That the Honble Theodore Atkinson, Richard Wibird, Henry Sherburne, & Meshech Weare Esq^{s} the Committee appointed to Draw bills of Exchange for sinking the sterl^{g} Bills of Credit of this Province or the Major part of them, be and they hereby are Impowered to draw Bills of Exchange for the said sum of five hundred and five pounds, eighteen shillings & sixpence sterl^{g} and give proper discharge therefor. That the Bills of Exchange be disposed of for the sterl^{g} Bills of Credit of this Province Emitted in the year 1760, which shall be paid into the publick Treasury of the Province for sinking so much of s^{d} Emission.

Sent up by Messrs Hale & Wiggin. [Concurred.]

[p. 369.] Voted That the following answer be sent to his Excellency's speech to both houses of the 30th ultimo.

May it please your Excellency

Your Excellency's speech of the 30th ultimo is before us, on which we beg leave to say [to] your Excellency—tuching the attendance of the General Assembly to proper times consonant with his Majesty's service is what we are obliged for & will be ever agreeable to us. That we are ready to fix ample salary on the Justices of his Majesty's Superiour Court, when the situation of the Courts are such as generally accommodate the people, such at present is not the case for Reasons needless to trouble your Excellency with, Especially too, as it appears by the Journal of former Assemblys. Our sentiments on the affair have in some sense

been expressed to your Excellency, tho' it ought to be remembered by us, that the Reasons they gave are increased, & Daily Increasing, which seams to us ought to be Removed before the people are charged with such a Salary. Give us leave,

May it please your Excellency,

to say we have much at heart the safety of the Province, and so far as his Majesty's Fort being in a proper Posture of Defence would tend to so desirable an End, we should be glad a way could be found furnishing money therefor, but in its present circumstances we cannot see how it may be raised. We are

May it please your Excellency—fully satisfied that all public moneys ought to be as regularly accounted for as any private money whatever, & if anything more towards its being so is necessary to be done on the part of the assembly we shall with all chearfullness readily comply therewith when tis pointed to us.

We have appointed a Committee for examining the Treasurer's acc^{ts}, [P. 370.] although they are not yet before us. The great expense the Governm^{t} has been at in the time of war we know no so likely a method of our being retrieved from, as frugal Economy & unanimity in its members, & so far as we are concerned 'tis our intention to promote so necessary a service both for the Honour of the King & the good of the people.

S. H. S. S.

Sent to his Excellency by Messrs Goffe, Jennis, Page, Smith & Moulton.

[P. 372.] Tuesday, Decr 13th, 1763.

Voted, That Col^{o} March, Col^{o} Gilman, Capt. Frost, Mr. Jennis and Doct^{r} Hale together with Col^{o} Weare, Col^{o} Smith & Capt. Thom^{s} W^{k} Waldron be a Committee of this house to wait on his Excellency & confer with him on the subject matter of his Excellency's Speech to both houses of the 30th ultimo, Relative to giving the Chief Justice & other Justices of his Majestys Sup^{r} Court of Judicature a Salary & to make Report as soon as may be.

[P. 375.] Mr. Sec'y Brot down the following acts passed the last sessions that did not meet with his Excellency's approbation & some of them that did not pass the Council, & give them to the Speaker, viz. The Small Pox Act, the Proprietary Act, the Sabath Act, Rye Act, the Act for choice of Representatives, the Act for the more easy & expeditious method of making partition of Land or Real Estates held in Common, the Excise Bill, the act to enable the Proprietors of old Dunstable to chuse a clerk, the Act for Regulating Town Meetings & assessments.

[P. 376.] The Bill for the more easy & Expeditious method of making partition of Land or Real Estates held in Common have^{g} been read three times

Voted That it pass to be Enacted.

S. H. S. S.

Thursday, Decr 15th 1763.

[p. 378.] Whereas the vote for finishing the State House which passed this House June 26th 1762, & another vote for revives said vote passed this house Jany 18th 1763, being Brot Down by the Secy this forenoon, & whereas the above votes were not concurred by his Excelly, therefore,

Voted, That said vote be Revived & continue in full force to all intents & purposes, & that said Committee proceed to accomplish the same as soon as may be. Sent up for concurrence by the Clerk. [Read & concurred.]

[p. 379.] The Bill to exempt ye Inhabitants of the Parish of Pembroke who are Presbyterians from paying towards the support of ye Congregational minister there & to give them power to raise money to suppt their own minister,

Read the first time.

P. M.

The Act to Exempt the Inhabitants of the Parish of Pembroke who are Presbyterian from paying towards the support of the Congregational Minister &c. Read a third time.

Voted, That it pass to be Enacted.

S. H. S. S.

[p. 381.] Whereas it has been represented to this house that one David Moody late of Chester in this province, but now being gather'd to the congregation of the dead, & his Remains now laying in this Province Goal, he having been put in there for Debt, leaving no Estate, & there appearing no Relations or Friends to pay the charge of his Interment, & that said Remains may have a decent Burial, it is therefore considered by this house and

Voted, That the Remains of the said David Moody be Intered at the charge of this Government, & that said Expence shall not be allowed to be more than thirty two shillings strs and that the high Sheriff be desired to order the same to be done in the most frugal manner. Sent up by Lieut. Wright. [Concurred.] (a)

[Votes, accts, bills &c. passed by the house and concurred by Council from Novr 29th to Decr 17th 1763.]

Capt. Timothy Bedel's muster roll, allowed.

Nathan Smith, a sick soldier, allowed £5 : 16 : 6 sterlg.

William Hanson, for his son a sick soldier, Do. £8 : 15 : 6 sterlg

Susanna Parker's acct allowed £22 : 1 sterlg.

Petition of Antipas Gilman, Jonathan Gilman & James Robinson, heirs & legatees of Edward Gilman, late of Exeter, deceased, setting forth that Edward Gilman by his Will had devised & bequeathed to Marverick his son, sundry pieces of land, but in such a manner that the said Maverick, who is weak in understanding cannot dispose of the same, nor improve it so as to support himself—that the buildings on the premises was lately destroyed by fire & that the Petitioner Jonathan his Brother had at

great expence rebuilt on the premises &c, & praying that the said Jonathan might be appointed Guardian to the said Maverick with power to dispose of the Premises, &c.—[a hearing granted.]

Committee for telling money, allowed £20 : 7 sterlg

Doct. Moses Carr, for administering to sick soldiers, allowed £4 : 11 : 6 sterlg.

Capt. Saml Gerrish's petition for relief for expences, referred.

Andrew Clarkson's Acct for services, allowed £3 : 17 Sterg.

Daniel Pierce, recorder, for book of Records, allowed, 1 : 15 : 6. Sterlg

Ebenezer Miller petition—a hearing granted.

Committee to examine the Treasurer's accounts.

Expence of David Moody's funeral, allowed £1 : 12 Sterg.

December 17, 1763.

This day the following Bills past in Council.

Pembroke Act relative to their ministers.

Third Parish in Northwesterly part of Chester.

Highway Act from Durham to Coos.

To enable the Judge of Probate to make partition of certain lands in Portsmouth.

Mrs. Pascall's Act, enabling her to act as sole—her husband having left her.

Fire act revived and made perpetual.

The Judge of Probate to divide Smith's Estate.

Also to divide lands in common.

Small Pox Act.

Rye Beach Act.

The Act relative to the choice of Represetatives.

[p. 382.] Mr. Secy came into the house & said he was directed by his Excellency to Prorogue the General Assembly of this Province to the Eleventh day of April next, being the second Wednesday in said month, & then to meet at this place at ten o'clock before noon, & accordingly said in his Majestys name said, the General Assembly was Prorogued.

IMPORTANT

MISCELLANEOUS PAPERS,

MOSTLY RELATING TO

MATTERS REFERRED TO IN PRECEDING PAGES IN THIS VOLUME;

COMPRISING

I. CORRESPONDENCE BETWEEN JOHN THOMLINSON, ESQ., MR. SECRETARY ATKINSON AND OTHERS.

II. A REPRESENTATION OF THE LORDS OF TRADE, TO KING GEORGE II, RESPECTING NEW HAMPSHIRE.

III. REPORT OF AGENTS EMPOWERED TO RECEIVE MONEY, &C.

IV. COMMISSIONS OF GOV. BENNING WENTWORTH, FROM HIS MAJESTY, GEORGE III, 1760.

Letter from Mr. Thomlinson to Secretary Atkinson.

[Copied from "Belknap Papers" in a MS. Volume in the Library of the N. H. Historical Society.]

[P. 144.] London, ye 10th of Aug^st 1749.

SIR—

I am very much out of order, and therefore I can only acknowledge the rec^t of your favour of ye 15th of June, Inclosing me a List of the Commission officers in your Regiment. I cannot tell whether or no it may be sufficient, for I think it should have been authenticated by your proving it to be a True and exact List, before the Governor or some other magistrate, however, I shall do what I can to make it do when I am call'd upon to audit your Province accounts. I am sorry to find by you and every Body from your country the confusion your province is in. I wish I could set you right. I cannot help thinking that the Govr has done some imprudent things as I wrote him. But the other party is fundamentally wrong; for the Govr will always be supported so long as he conducts himself by his Maj^tys Instructions, and *in his right of negativing a Speaker.*

(1) But notwithstanding this, I am surprised that he or any other Governor should not think it their Interest to behave so, to all sorts of people under their Government, as to make all their Enemies their Friends rather than so as to make all their Friends their Enemies. You will do well to keep me advised of all the steps taken by either party as I shall always do everything in my power to reconcile things for the benefit of the province. I am,

Sir, your most humbl servt,
JOHN THOMLINSON.

Theodore Atkinson, Esq.

From Mr. Atkinson to Thomlinson.

[Extract.]

[P. 145.] Portsmouth, Octo. 19th 1749.

SIR—

"I have long since been silent with regard to our Public affairs supposing you had them minutely from his Excelency or from a Committee appointed to be your correspond*ence* and as I was not acquainted with what either wrote did not care to say any thing least we might interfere—the assembly carrying on the present Dispute between the Govr & the House you know is quite out of joynt—the aditional Instruction being founded upon a judicial Determination of a similar Dispute about 4 or 5 years since & so peremptorily Determined by & recited in the sd Instruction that I am at a loss to find a name for the opposers, and I look upon their Disputing the Governor's right in Disapproveing the choice of a speaker to be as absurd as the former, for a controversy of this sorte & extreamly like it happen'd in the late Lieut. Governour Wentworth's time when he disapproved of the House choice of a Speaker, then after a few Days dispute the House gave up the Point & chose another speaker; this Dispute differs only in this point—here the King's Instructions direct the Governr to support the new members in their Election which the House refused in the former there was no Express reason given or mentioned why the Govr disapproved, but all these Disputes are I have copy'd & I suppose forward to you.(2) I am supposed by many People to be Privy to all the Governrs transactions of Governmt here which is totally without foundation. I never saw a Letter he wrote home nor any he recd from thence, only when any of them were communicated to the Council or Genl Assembly nor any of his speeches or messages to the House so that really I cannot be said to advise for or against anything that has been done, neither do I see what reason the People have to complain, his greater Enemies in the Governmt are now of the Assembly and in all the controversy *not one particular Instance of Injustice or oppression* hath been mentioned by them & when you read over their several messages & votes you will not be able to Discover any inclination to cover the least failing he had been the author of. When these affairs may take a turn no person can tell but I believe not till we hear from home, for at present if the Governor should Disolve them the same would be chosen again & see no Prospect of their repenting tho' I know not more than one-third are concerned in opposition—we generally meet *one* in a month for 3 or 4 days & then Prorogue, thus the affairs of the Province are stagnated and at a time too that needs unanimity & Dispatch in all concern'd—the soldiers that

(1) See a full account of the difficulty between the Governor and the Assembly in preceding pages of this volume, 1749-51.—ED.

(2) The meaning is ambiguous.—ED.

guarded & Defended the frontiers the last sumer not paid nor their muster rolls adjusted, our Treasurs accts of the Province affairs unsettled, our records shut up the recorder being appointed by the General Court & his time expired—the grant of money on acct Louisbourg & Canada Expeditions remaining in a very od situation for want of proper Powers, in short all acts of Governmt has subsided *for fifteen months past.* I imagine his Excelency hath represented these affairs home with many other Particulars.

(Copy) — — — — — —

Mr. Thomlinson to Henry Sherburne, jun.

[p. 149.] [An important letter.] Ed.

London, 13th Novemr 1749.

Mr. Henry Sherburne, Junr.

Sir—I have here to acknowledge your favour of the 2d Septr & can't find that your favour of 10th Novr. ever came to my hands or can I tell at present whether or no the £1300 was allow'd in the Louisbourg accts but will Endeavour to know it & let you know as soon as I can, if I shall be able to get at the knowledge thereof.

I can assure you, Sir, every part of your letter gives me concern, but the least of that concern is for that part which seems to concern myself & that is where you say it has been suggested by some & fear'd by others, that I was instrumental in obtaining the Instructions which is made the present cause of your distress. Now Sir, I have so often been in the printed papers & otherwise (both when Mr. Belcher was Governor & since) so unjustly treated, that I have learnt to neglect & dispise everything of this sort, & as the event has always shewn the Fallacy & baseness of the authors thereof, I have not given myself much trouble about them, or pains to contradict them, & I should have treated the wrong suggestions & ill grounded fears you are so kind as to mention, in the same manner, if you had not told me that you shou'd be much rejoyced to have them contradicted, & as truth is always the best excuse in all cases, therefore I shall now tell you what I know of that affair, when it was under consideration before the Instruction was sent, & to the time I had your letter, & then I shall acquaint you what Enquiry I have made about that Instruction since I received your letter, & that I have seen since, the whole of that affair & every step that was taken by the Ministry & great officers of State, in considering this Question, & I must say that nothing ever was, or can be more maturely & solemnly consider'd, before the Instruction was settled, than this affair was. Now, Sir, all that I know of this affair when it was under consideration here, was from my Lord Manson, who wasthe first Lord of Trade, one of his Majesty's Privy Council: He told me there was a Dispute in the Province of New Hampshire, that the Govr had by his Precept to the Sheriff ordered five or six New Towns or districts to return members to serve in the Assembly, & the said Towns had accordingly return'd members, but the Assembly had refus'd to admit such members, & that the Governour had acquainted his Majesty therewith & desired to know his Majesty's pleasure therein, & to have directions how to act therein. His Lordship also told me at the same time, tho' it was no question at all in his & everybody's opinion here, & the Governor had done no more than his Instructions had obliged him to do, and what he had an indisputable loyal right to do, yet the Lords of Trade have spent some time to consider the thing & the objections the Assembly made against admitting those members & had also referred the whole to Mr. Fane, who was then Council to the Board of Trade, who were all clear that the Govr had done right, but

yet that no doubt should remain either here or on your side, the affair was referr'd to his Majesty's Attorney & Solicitor General—This is what my Lord Manson acquainted me with & for some time after, I did not hear any more about it, than that his Majesty's Attorney & Solicitor General had been attended by the proper officers from the Board of Trade, with all the Papers & Precedents they could be supply'd with, & when they had considered the affairs, they appointed an evening to settle their Report & summoned me to attend them, & I attended them accordingly, & as well as I remember all the Questions they asked me were if the Governor had not some Gentleman in England, that was his Agent. I told them that I did not know that he (the Govr) had any particular agent here; they said, they suppos'd he had not or they should certainly been put in mind by him to have finish'd this affair sooner, however they desired me to stay with them (& it may be as I was agent for the Province that I might hear their oppinions on this matter) & they very fully declared that the Govr had acted according to his Instructions & done what he had a legal power to do, & that the Crown had an Indisputable legal Right to incorporate any Town here & Qualifie the same to send members to Parliament & mention'd in what Reigns it had been done & by the exercise of this Right our House of Comons is so numerous & by this Right Power is given to all Gov^rs of his Majesty's Governments in America, in their Instructions & thereby all the assemblies in such his Majesty's Governments increase in Number, as the said Colonys increase in settlements.

This is as near as I can remember the whole of this matter before I rec^d your aforesaid Letter, excepting, that sometime after I ha^d thus waited on the Attorney & Solicitor General I received from the Secretary of State's office the additional Instructions with order to send it to the Governor as it was directed.

Now, Sir, if you can take for granted what I have here told you, you must see that I was not Instrumental in obtaining this Instruction; beside, wou'd Gentlemen rightly consider, the thing itself was of that nature, that I nor any other private person cou'd any way Interfere in, that is, it was a Question upon the Rights & Prerogatives of the Crown; so you will also from hence see how ineffectual any attempts to have had this Instruction withdrawn, must have proved, However, Since I had your letter, I have had the Honour to be with the Lords Commissioners for Trade & Plantations & have mentioned to them the contents of your Letter respecting the Calamitous State of your Province, in this situation, in order to obtain their Lordship's advice and Assistance to put an end to it; and not only that, but that I might know what steps had been taken in obtaining this Instruction, in order that I might be the better able to give you a more full acco. thereof, both to exculpate myself from the suggestions & Fears you say there are on your side the water respecting myself, & to convince you that the Interpretation you say is put upon this affair by some among you, is not a right Interpretation, & their Lordships were so kind as to show me what Govr Wentworth had first wrote on this affair, & which was only, that he had agreeable to his Majesty's Instructions to him, Issued his Precepts to six new Towns or Districts (naming them) to chose members to serve in the Assembly & that the said Towns or Districts had return'd Members accordingly, but the Assembly had refused to admit them for such & such reasons, therefore he desired to know his Majesty's pleasure on this affair, that he might know how to act therein, (I think this is the whole of what he wrote.) Then their Lordships told me how maturely & solemnly it had been considered as I before told you, & shew'd me all the Reports made thereon & not only Mr. Fane (who was then at the Board) but all the Lords were clear as to his Majesty's Right as above, & that any other usage in calling members to serve in your Assembly was wrong, altho' it might have been in-

dulged, when the Province was under the same Govr as the Charter Government of the Massachusetts Bay, & the late Proceedings of the Govr & Assembly in consequence of his Majesty's Additional Instruction is now with his Majesty's Secretary of State, & whether or no you will have another Instruction to enforce it, by this Ship or the next, I know not, but I find it will not be long first, & I hope & wish you will cheerfully Acquiesce under it, for all is not gone, nor indeed is any thing gone; you still enjoy the same Rights & Priviledges which all his Majesty's subjects of these Kingdoms enjoy, & the same as his Majesty's subjects in all his Coloneys (which are Kings Governments) enjoy. Dr. Sir, don't let words & sounds & baseless Clamours, cloud or confound your reason.

I am very far from blaming you, or any of his Majesty's subjects to be tenacious of or watchfull over his just Libertys, sure nothing is, or shou'd be more Near or dear to us, & sorry I am to say it, but History and our own experience shew it, that the word Liberty has been & is too often by mistaken & designing men, made a pretence for, & an occasion of, producing the greatest disorder & confusion & every evil work. Was not the Rights of the Crown & all the just Rights & Libertys of the People of these Kingdoms declared and secured at the Revolution,—& as every attempt to extend the declared Rights or Prerogatives of the Crown is an attempt to encroach on the just Rights & Libertys of the people, so on the other hand, every attempt to extend the declared Rights & Libertys of the People beyond their just limits must be an attempt to encroach on the just & legal Rights of the Crown; & as every attempt of the Crown to extend their just and legal right cannot be too carefully watched, or too sufficiently guarded against, so every attempt of the People to encroach upon the legal Right of the Crown should & must be discourag'd, however artfully disguised under the name of Liberty &c. for what is call'd Liberty beyond our just Libertys declared & secured to us as above, must be esteem'd Political Licentiousness, and Enthusiasm & must surely tend to destroy that scale or Ballance of Power, that happy *Harmony* which constitues this Government, and which inviolably to maintain, is, & shou'd be the Business of every Individual under it, as on this foundation their happiness depends, & whatever you may hear to the contrary, you may most safely depend on this, that we have a Prince upon the Throne who has never shewn or is it in his nature to shew, the least Inclination or desire to make the least infraction in this so happily settled constitution, & what is more, all his Ministers (I think) are such as will be so far from advising his Majesty to extend the Power of the Crown beyond its legal Rights, that every one of them wou'd most heartily opprose the least attempt of this kind.

Now Sir, after all this, you must not be so far prejudic'd as to mistake me for an advocate for Power, I mean illegal Power, my principles as to Government have long been & I trust in God will always continue to be, what is call'd here English or Revolution Principles & as great an advocate for Liberty (properly so call'd) as any man you know, neither have I any dependance on or connection with the Court or Ministry, more than any good subject shou'd have, or any more acquaintance with any of his Majesty's Ministers, than is absolutely necessary to Enable me to serve my friends in America, & I do assure you, Sir, nothing but the great concern the unhappy situation of your Province gives me, cou'd have induc'd me to have taken up so much time, as to have said so much to you, & especially at a time when all the America Acco^{ts} are auditing in order to be laid before Parliament at their first meeting, in order to obtain a grant for the Payment of the same, & your Province acc^{ts} & the other several concerns I have to be audited, is more than enough to take up all my time, but as I thought the affairs of your Province was a matter of such consequence, I have postpon'd all other affairs for a few hours, to give you my thoughts upon this affair, just as they occurr'd to me, & if they

shou'd in any degree tend to a reconciliation I shall think the Time well Employ'd.

I have some time since wrote the Govr very fully & very freely on his conduct on other matters, especially about Mason's Right, but this grand affair I cou'd not meddle with as it was a point I cou'd not interfere in, & it would give me the greatest pleasure to hear that the Governour & you & all the Gentlemen in the Government would sacrifice their Prejudices & Private Resentments to the publick Good of the Province, & that the Assembly wou'd admit the members return'd by the New Towns before they have any further Instructions on that head, & return to business, this wou'd be the best & most effectual method to reconcile the Province again to the good opinion of his most sacred Majesty, & Ministry, for I can't help saying that *you don't stand in that favourable light as formerly*, & as I never have attempted to deceive you, so I assure you I don't now, or will I ever attempt it.

The Addresse you mention to have been sent Home to another Gentleman (& I will assure you, you could not have sent it to an Honester Gentl^{m}) & tho' he has never mention'd the affair to me, yet I have since heard of it, & indeed the Principal matter of the complaint, & from your side the water & am not sorry to find that it has not been delivered. What must his Majesty & his Ministers have said to a complaint against his Majesty's Govr telling his Majesty his Govr had done just as his Majesty had order'd him, by his Majesty's Instruction so solemnly settled, & also that the Governour had taken upon him to negative the Speaker. Surely his Majesty & all his Privy Councill wou'd have declar'd that the Govr had acted right in both cases, & if this Address was calculated & design'd to turn out the Governour, as I was told it really was, *in favour of a Massachusetts man*, it would not have been in your Power, or in the Power of the most sanguine of his Enemies to remove him. I find by your letter that there is no objection to these Places having the Priviledge of sending members, *if they would apply rightly.* Then the single Question is, if they be rightly call'd & return'd, & I hope you will think they are from what I have now told you; then what remains to be done, but for the Assembly to admit them to sit? & proceed to business, especially when there is so pressing a necessity that you shou'd have an Assembly sitting to use all the necessary means in your power to provide & send me all the proper & necessary Proofs that Mr. Paris has wrote for by this Ship, that if possible wee may prevent the confirmation of the Report, that the Province of the Massachusetts Bay has obtain'd against you, for so large a sum for the Garrisoning Fort Dumer during this War & for obliging your Province to keep and garrison the same for the future. If your Government had furnish'd me in time with proper Instruction & Proofs, such as you are now desir'd to do, I think I shou'd have prevented their obtaining this Report, & if you can now be prevail'd on to send them in time, I hope we shall be able to put a stop to this affair, besides this and other Mischiefs that must subsist during the want of an Assembly, I am of opinion, notwithstanding your Province Acco^{ts} & the Acct^{s} of the Pay due to the officers of your Province for the Expedition designed against Canada shall be audited & the Parliament shall grant the M^{o} for the Province & the officers, *yet the Money will in all probability be detain'd*, untill you shall have an Assembly & pass such Acts, or send such proper Power of Attorney, authenticated by the seal of the Province, as shall enable me thereby to discharge the Treasury properly—I say it is my opinion, that this will be insisted on, as you see it still is, for the money granted your Province for the Reduction &c. of Louisbourg, & I shou'd think the sooner you have all the money that has been already granted, & what shall now be granted, it will be the better, as you will be able to apply it *to sinking your Paper Currency* & to any other necessary use for the good of the Province.

I know, Sir, it is generally believ'd throughout your Province that I am a friend to Govr Wentworth, so I am, but in no other degree than I am to you, & every other gent^n in the Province, or shall I continue to be his or any other Gentleman's friend longer than I find they are friends to the Province, & I think Major Gilman & Capt. Sherburne have already had some experience how far I am from being the Governor's friend when I think he has done wrong, & they shall soon find it more, for I shall get their Disputes very soon settled to their utmost satisfaction: No Sir, it is your Province and the good & welfare thereof, & every Individual therein, that I aim at serving, both in writing this long Letter, & in all my proceedings, & to restore & Establish that Peace and Harmony which you cannot wish for more than I do.

You say in your Letter that if it is put in the Governor's power "to send Precepts to such places as he pleases, & only such as he shall think worthy, what may not be the consequence." That cannot be the case, for his Instruction directs how Towns or Districts are to be qualified, & in case he sends his Precepts to such Town or Districts as are not qualified, or refuse to do it for such Towns or Districts as are qualifyed, surely that will be just matter of complaint against him. Another thing has been told here by some of you, That your Assembly has threat'ned to give up the Province to the Charter Government of the Massachusetts Bay:—but this you may depend on, that his Majesty won't suffer this to be done on any acco^t whatever, & I can't help now making one gen'ral observation on the whole of your Letter & the Interpretation you therein put upon this matter & the apprehensions & fears you seem to be under, that your Libertys are in danger thereby: Pray, Sir, give me leave to say that all your apprehensions & fears for Liberty proceed from a direct contrary & opposite cause from which most of the apprehensions & fears & jealousies in all the States & Governments I have ever read or heard of, have sprung: the present foundatien of your fears proceeds from your Govr having (by his Majesty's Instruction) called a great number of the People under his Government into the Legislature. Now in all other States & Governments &c. their apprehensions & fears, &c. about their Liberty have arose from their Kings or Governors acting arbitrarily, or by Caballs or Junctos & have refused to call into the Legislature a sufficient number of subjects properly Qualified to assist in the Administration. I could enumerate several instances of the sort, both of ancient & modern Date, & at this present, Govr Shirley is blam'd by the People in his Government for not calling more Members to sit in that Assembly.

I will now only make an Apology for this long Letter & for all mistakes therein, & it shall be no more than this, That I have wrote you what has occurr'd to me in the order they come into my head, and with a most sincere design of reconciling those unhappy disputes that subsist amongst you & I pray to God, it may be instrumental thereto, & I will hope that you will take it for such, & join your Endeavour to accompiish this good end. I know your good sense & address will contribute greatly thereto, you may depend on it, that as soon as it is in my power I shall take care of the Bills sent me by Capt. Ryme's Exec^tr & shall not fail writing you thereon directly & am with the greatest Regard & Esteem

Sir,

Your most humble servant

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15th Novr 1749.

P. S. Since I concluded the foregoing Letter & but just now, I have rec^d a Letter from Mr. Paris which gives me the greatest concern, & puts me under the greatest Difficulty how to act. In the foregoing Letter I told you that I hop'd that your Government would with all speed prepare & send me all the Papers which Mr. Paris had sent a List of to the Province & properly authenticated in order to prevent the confirmation of the

Report the Massachusetts Bay had obtained to oblige your Province to pay 'em a large sum of Money for Garrisoning Fort Dumer for the time past & also for your Garrisoning it for the future, & in order to prevent the confirmation of the same untill we had proper Proofs, the only method of doing it was to present a Petition to his Majesty in Council setting forth the fallacy of the Proofs, Papers, &c. laid before the Lords by the Agent of the Massachusetts, to induce them to make such Report & that your agent had not been furnish'd with proper Materials to contradict the same, & praying his Majesty to be heard by Council against such Report, & accordingly Mr. Paris had drawn a Petition & sent it to his Majesty's attorney & Solicitor General to settle it, & when I expected that it was settled & ready to be presented, I was surprised with the letter, but I will not dispair for I have some hopes that his Majesty's Attorney & Solicitor General will be prevailed on to settle such a Petition, as will delay the confirmation of this Report, untill we are heard against it, & if you send the Papers which Mr. Paris has wrote for in time, it is not only my opinion, but the opinion of all that I have consulted in this affair that your Province will be freed from the present & future Load of Expence: I assure you no care or Industry shall be wanting on my part, & it is plain there has not hitherto been any, for as soon as I knew what the Report was to be, I sent the very moment & retain'd his Majesty's Attorney & Solicitor General, who have always been fast friends to your Province, & know the whole that has passed betwixt you & the Province of the Massachusetts, & beside the weight they have in all causes that come before his Majesty in Councill, they are in their Profession so much superiour to any other that I know of, as you can hardly Imagine so that I must say, that if we don't succeed in this affair to our wish, the fault will be chargeable on yourselves. I have not mention'd to the Governor or any body else, that I have wrote one line on this head. I am as above

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[p. 151]

From Mr. Thomlinson to Henry Sherburne, jun.

East Barnet, 3d December, 1749.

Sir—

I have already wrote you a very long letter by this Ship, Inclosing you a Letter I recd from Mr. Paris, who has just now dispatched another letter down to me at this Place, a copy whereof I herewith send you, the original I have Inclosed to the Govr as advised to do, & I must hope that what I have before wrote you together with this will induce you & Mr. Waldron & the other Gentlemen of your Assembly, to yield obedience to his Majesty's Instructions & acquiesce chearfully under them, & at this critical time join with the Govr & Council in doing the necessary to prevent the mischief that seems to threaten the Province. I am satisfied that you & every Individual in the Province will soon find the advantage & benefit of so happy a Reconciliation, & no one will have more pleasure to hear thereof than, Sir

Your most obedt humble servant.

[p. 165.] *The Mason Purchase.*

Portsmo. N. Hampr Octo. 16, 1751.

Sir—

Upon Mr. Pierce's comunicating your letter (to him of the 24th of Feby last) to the Purchasers of Mason's right we were appointed in their behalf

to give you their security for the Trouble you had taken in that affair & to acquaint you that we can't but flatter ourselves we have an undoubted right to all the Land mentioned in Mason's Deed to us which indeed is all the land he had in New Hamp^{r} Except some trifle he had before quitted to the Mass^{a} which lyes in and about Haverhill, Almsbury &c. & long since settled. As to the heirs of Saml Allen, Esq. & those under him we think we have little to fear and have now a more compleat state of the case preparing which shall we hope soon send you—which we imagine will convince the heirs of Mr Allen &c. that 'tis not worth their being at any Trouble or Expense about it so that at present we have only to hint to you our strength & Allen's weakness and as we both claim under John Mason Esq. we have no need to establish his right. when John Mason Died he by Will Entailed the Premises upon his Grandson (by a daughter) Jno Tufton & the heirs of his Body Lawfully begotten—remainder to Robert Tufton—remainder, &c. These John & Robert were brothers, & when of age came into this country—after the death of their grandfather Mason the tenants whom their Grandfather settled he opposed their enjoying any of the cultivated Land &c. so that Little or nothing with respect to their interest was Don. John in whom the Interest vested dies here & without Issue. Robert the next Intail before he had Entred to any great purpose Dies & leaves Issue John & Robert his sons these two joyn & about the year 1690 or 91 they Endeavour to Dock the Entail by sueing out a comon recovery &c. at Westminister in England. This Don they sell the whole to Saml Allen of London merch^{t} (far the greatest part of the Purchase consideration now unpaid & due by his bond now here in full force) now this we say was illegal because every comon recover or fine & recovery must be sued in the County where the Premises ly, and we had in this Province at this time long before a civil Governm^{t} settled Courts of Comon Pleas & Judicature erected & in constant Exercise & therefore we Look upon it that the Intail in Mason's Will is unaffected by the Pretended Docking in England, & if so the said John & Robert that sold to Allen could only sell their Estate which was for life only. Nay, Robert (his elder brother John liveing) had no Estate but in reversion.—Pause here —for here we stand & say that mauger all that was Don the Estate descended to the Present Capt. Jno Tufton Mason who regularly sued out a Comon recovery in the Court of Comon Pleas here and then made his Deed to us, by virtue of which we have rents or service. We Imediately gave Quit Claims to every old Town & its Inhabitants as they severally claimed & this without any consideration—The next step we have taken is to Lay out the waist & Distant Land into Townships & have made our Grants in this manner—have reserved Each of one shear in every Township equal in Quantity & Quality with the settlers for which we take an equal Lot with them besides this 3 or 4 Publick Lotts for ministry school &c. &c. which the Grantors & Grantees have an equal & right in & Benefit from & in this man^{r} we have settled the biggest part of the Waist & in this way we have agreed & Quicted the Towns on the west side of Merrimack heretofore granted & settled by the Mass^{a} before the running of the Line of Governm^{t} & every body here are now Quiet we have now several thousand Persons settled upon the Land in virtue of our Grant & very little Land left for ourselves considering the Quantity we have Quit claimed to & granted we have now actually Ten Towns settled this year & all have more or less inhabitants dwelling upon next year if Peace with the Indians every Town we have granted will be settled—this has been attended with Great Expense both of Time & money.

We have ever since we Purchased spent for the greater part one day in a week & some times two or three on continual survey & Plotting the Land already amounts to more money than the whole would have sold for before we took it [in] hand & we have now got the people pretty soundly of our side & intend at all adventures to Defend our Rights agst every

Person that Pretends a right we have taken care to have a compleat Possession of every inch of the Land by an actual Entry in all the various partes. Thus you have in Genl terms our Title—but to recur to the Title of those who claim under Saml Allen Esq who was afterwards about the year 1690 by King Wm & Mary appointed Governour of this Province and comenced several lawsuits for the Land but was cast here & in England—he died in New Castle while Governour but before his Death he mortgaged the whole he bo't of John & Robert Mason for the payment of £1500 to his son in Law then Lieut. Governour Usher who in Due season recorded his mortgage in the Prov. Registry here & after Allen's Death went into the waist Land there we claim & took possession in *Presents* of a number of Witnesses—all this is also recorded with the Deed of mortgage & by our Laws when a mortgagee thus Enters it conveys the Title of the mortgagee to all intents & purposes & Usher kept up his claim & so has his heirs ever since till our Purchase—Now this is realy fact & if so the heirs of Allen can have no collour of rights—but if this had not been so Thomas Allen (as we understand) the only son of Saml Allen sells one half of the whole Premises to Sir Charles Hobby by 2 several Deeds one to Caleston(1) Vambrough on behalf of Sir Charles, the other directly to Sir Charles & in this that to Vambrough is *veiled?* so that in case Saml Allen had not mortgaged the whole to Govr Usher but the whole had descended to Saml Allen's heirs yet Tho' could have but a double portion which could not amount to more than ⅓ of the whole Governour Allen leaving four Daughters three of whom are now living with us—for Lands here are subject to pay Debts & are by law divisible to & among the children of the Dec^d weither male or female & this Law that Enacts this instead of descents was first enacted when Governor Allen was in Commission here and therefore in a more particular manner his will & this law has been continued & every Intestate Estate has ever since been settled agreeable thereto & in virtue thereof. In short, *if Saml Allen had ever any rights, Usher had the whole.* If this mortgage was invalid (which no person ever pretended to say) so far as Allen Rights & the Premises descended to Saml Allen's children so that by our Law ⅓ was Thomas Allen, 1-6 Mad^m Usher now living, 1-6 the heirs of Mrs. *Steel*(2) Long dead but left many children, 1-6 Mrs. Walton ye wife of George Walton both now living—& 1-6 to a maiden daughter now living with Mr. Walton. As to Mr. Adams Procuration from Mrs. Hobby I believe that matter is over for Sir Charles left 3 children who are all dead but left many children, and all these died intestate with respect to the Premises Allen's Usher's Hobby's &c.

NOTE.—This Letter is without signature, but is evidently in the handwriting of Mr. Atkinson and was probably a copy of one sent to Mr. Thomlinson.—ED.

From Mr. Thomlinson to Atkinson and Pierce.

Mason's Title.

[P. 167] London, 6th March 1752.

Me^srs Atkinson & Pierce— (Copy by Capt. Johnson.)

SIRS—

Your Favours of the 19th Octo^r & 29th Novem^r are now both before me & I should be very glad to see the case you have so long promised to

(1) This name is somewhat doubtful.—ED.

(2) This name is very illegibly written.—ED.

send me, & then I could have such opinions upon it as would satisfie me with respect to the Right of Mason or Allen & all the long accounts of what you have done, or are about to do will not avail you a Rush, without first Establishing a just & legal Right, & the single point is whether or no the Fine & Recovery sued out in Westminster Hall was legal, if it was legal you have no right, if (as you say) it was Illegal, then for any thing I at present know of, you have a right. You say you have in your hands a Bond unpaid for the purchase money as for the greatest part of it, if your right is defective on the other point, I cannot say how far that may avail you, but I believe that Bond is not for the whole or the greatest part of the Purchase money, besides it has been suggested here that they (I mean the heirs of Allen) will be able to prove the payment of the whole notwithstanding that Bond, but I cannot say anything to that matter, but at present I cannot help expressing my fears that your grand point will fail you, that is, the fine sued out in the Westminster Hall will be deemed or have show'd Allen's right & not Mason's be reserv'd in the Charter granted afterward to the Massachusetts Bay, as certainly the ablest lawyers in the Kingdom were consulted & Employ'd in settling that Charter & undoubtedly Allen must have then been called upon to make good & prove his right, before such reservation coul'd be introduced, however, I shall be glad to have your case & one or two opinions upon it, & let it be as it may I am still of opinion that my advice to you to purchase * * * under Allen (1) * * could be perfectly done for £1500 or £2000 sterling would be the best method you could take, for I think if this affair comes to be litigated, it may cost each Party at least that sum & one side must at least set down with the loss: and this must be the case, and I suppose soon, for I find by Mr. Samford & Mr. Adams that Gidson *has actually purchased of Mrs. Allen her half for* £750 sterling, & to make the Payment and finish at Lady-day next, & I am told some Persons of consequence are concern'd with him: This I hinted to you some time since would be the case, & that I endeav^d to keep it off as long as I cou'd. This is the best account of this matter as well as the best opinion I can have of it at present, & I am with great Truth, Sirs,

Your most humble servant

JOHN THOMLINSON.

Copy of a Representation of the Lords of Trade to King George II, respecting New Hampshire.

[Copied from MS. Vol. in Sec^ys office, "Lords of Trade, 1753," &c.]

TO THE KINGS MOST EXCELLENT MAJESTY,

May it please your Majesty,

Having in our Representation to their Excellencies the Lords of Justices dated the 9th of July 1752 laid before their Excellencies the disordered state of affairs in your Majesty's Province of New Hampshire in America, and also a State of the difficulties and obstructions your Majesty's Governor of the said Province have met with in the administration of the Government and in carrying into Execution your Majesty's Orders and Instructions for the better ordering and Ruling the same, arising from the Assembly's having refused to pay a due obedience to your Majesty's Additional Instruction, Dated the 9th of June 1749, relative to the right of certain new Towns and districts to send Representatives to the said Assembly: We shall now humbly beg leave to lay before your Majesty a state of several other Difficulties and disputes which have late-

(1) The copy is here mutilated and illegible.—ED.

ly arisen within the said Province with respect to the property of Lands, by which the Peace and good Government of it have been affected, and its further Improvement and Cultivation greatly retarded and obstructed.

The Points which have principally given rise to these difficulties and disputes, are

1st. A claim lately set up to the waste and unimproved Lands in the said Province by John Tufton Mason, one of the surviving grandsons of Robert Mason to whom the said Province devolved upon the death of his Grandfather John Mason, who held the same under Grant from the Council of Plymouth in the year 1629.

2d. Grants made by the Provinces of the Massachusetts Bay and Connecticut of certain large Townships or Tracts of Land, which Townships or Tracts of Land, by the Boundary line drawn between that Province and the Province of the Massachusetts Bay in the year 1738, appear to have been at the very time of making the Grants by the Massachusetts and Connecticut Colonies, a part of the Province of New Hampshire.

3d. The uncertainty of the Western limits of the said Province of New Hampshire, arising from the Boundary Line or Line of Division between the said Province and the Province of New York not having been as yet settled or ascertained.

As several Questions have occurred to us upon a consideration of the two former of these Points relative to the Property of Lands, upon which it was necessary to take the opinion of your Majesty's Attorney and Solicitor General before them; and having lately received their answer we shall humbly beg leave to lay before your Majesty a full state of every circumstance which has come to our knowledge with respect to the several aforementioned Points, together with our opinion of what may be proper to be done to remedy this evils complain'd of.

King James the first by Letters Patent dated the 3d of June 1620, granted all that Tract of Country since called New England, lying between the Latitudes of 40 and 48 degrees of Northerly Latitude, to Sir Ferdinando Gorges and thirty nine other adventurers under the name of the Council established at Plymouth in the County of Devon for the planting, ruling and governing New England in America.

By virtue of this grant and under the Powers and authorities therein contained the Council of Plymouth did by letters Patents at different times parcel out their Territory to associated companies and private adventurers from which Patents the several Provinces and Colonies, of which New England is now composed, have arisen:

The Limits and Boundary Lines described in these Patents which are either merely imaginary or which depend upon the courses of Rivers at that time very little, if at all known, are so exceedingly vague and uncertain, and the Limits of the [one] Province interfere so much with those of another, that it is not to be wondered at that very vexatious and expensive controversies and disputes, with respect as well to property, as Jurisdiction, soon arose, and alt tho' the limits of each Colony were ascertained and the different claims of the Proprietors adjusted in the year 1665, by Commissioners appointed for that purpose, yet, as the Judgments and Decrees of those Commissioners were not finally confirmed here, such determinations had little or no effect to putting an end to these Disputes.

It is partly owing to the controversies and disputes which are still subsisting in some of these Colonies, and in particular New Hampshire, and partly to the incapacity of the proprietors and their neglect to com-

ply with the terms and conditions of those grants, that this part of America, where there is an inexhaustible Fund of Naval Stores of all sorts and many other valuable Productions, has not been improved to that extent it is capable of; and the largest and most fertile part of New Hampshire lies at this day an useless waste, and rather a Burthen than any advantage to the Publick.

The Council of Plymouth by Indenture under their Common Seal 7th Novr 1629, granted unto Captain John Mason, his heirs and assigns all that part of the main land in New England lying upon the Sea Coasts beginning from the middle part of Merrimack River, and from thence to proceed northward along the sea Coast to Piscataway River, and so forwards up within said River, and to the farthest Head thereof, and from thence Northward until Threescore miles be finished from the first entrance of Piscataway River, also from Merrimack thro' the said River and to the farthest Head thereof, and so forward up into the Land westward until Threescore miles be finished, and from thence to cross over land to the Three score miles end accounted from Piscataway River.

This Tract of Country was in Consequence and by express Direction of the Patent called New Hampshire, and the grantee obliged himself to establish such Government therein as should be agreeable, as near as might be to the Laws and Customs of the Realm of England with Liberty of any person aggrieved to appeal to the said Council of Plymouth.

In consequence of this Grant Captain Mason was (as is alleged by him) at considerable expence in sending over persons to plant and settle in this Country, and in erecting Forts and other buildings and Habitations; and it does appear from several Testimonies made use of in some actions brought by his Grandson against the very persons he had sent over, that considerable improvements were made.

In 1635 the Council of Plymouth by Letters Patents dated the 22d of April confirmed their former Grant of New Hampshire to Capt. Mason with an extention of Limits, which in the said Letters Patents are described in the following words: "All that part, purport and portion of "the main land of New England beginning from the middle part of Naum-"beck River, and from thence to proceed Eastward along the sea Coast "to Cape Anne and round about the same to Piscataway Harbour, and so "forwards up within the River of Newichwannock and to the furthest "Head of the said River, and from thence Northward till sixty miles be "finished from the first entrance of Piscataway Harbour; and also from "Naumbeck thro' the River thereof up into the Land West sixty miles, "from which Period to Cross over Land to the sixty miles end accounted "from Piscataway thro' Newichwannock River to the Land Northwest-"ward as aforesaid."

The Eastern limits of the second Grant appears to be the same as those described in the first, but are extended to the South West as far as the River Naumbeck, which is about Twenty miles to the westward of Merrimack, the Western limit of the former Grant, which Tract of country lying between the said Rivers and extending to three miles north East of Merrimack had been granted by the Council of Plymouth to the Massachusetts Colony in the year 1628 prior to the first Grant to Mr. Mason and is now part of that Colony.

It is alledged that this last Grant to Mr. Mason was satisfied and confirmed by the Crown by Charter dated the 19th of August 1635, with full powers of Civil Jurisdiction and Government, but *no such Charter as this appears on Record.*

In the year 1635 Captain Mason having no immediate Issue then living (his daughter, who had married Joseph Tufton, Esq. being dead) by his

will dated the 26th of November, devised amongst other things to his grandchild John Tufton and his heirs, all his Mannor, Messuages, Lands, Tenements and Hereditaments in New Hampshire except some inconsiderable Legacies upon condition of his changing his Name to Mason; the remainder to Robert Tufton, the Brother of John Tufton and other persons mentioned in the Will.

Upon the Death of Captain Mason in the same year or soon after, New Hampshire by virtue of the aforementioned Devise, came to his grandson John Tufton; but he, dying without Issue, the Limitation over to Robert Tufton took effect; but he being at that time a minor, and not coming of age till 1650, the servants and agents which his grandfather had sent over to New Hampshire, taking advantage thereof, and of the confusion of affairs of England at that time, when no redress could be had, embezzled and sold his stock and Effects, and put themselves under the Government of the Massachusetts Colony, who then exercised Jurisdiction in New Hampshire.

Soon after the Restoration Mr. Robt Mason (for Robert Tufton the younger Brother had now taken upon him that Name in compliance with his Grandfathers Will) presented a Petition to King Charles the Second, setting forth the unjust and illegal Encroachments of the Massachusetts Colony over his property and praying that Justice might be done him; which Petition was referred to Sir Geoffrey Palmer, then Attorney General, to consider of his Title to the Country, who reported that his Title was good: And nevertheless in the [year] 1675 we find Mr. Mason presenting a second Petition to the same effect as the former; upon which his Title was again referred to the consideration of Sir William Jones and Sir Francis Winnington, the then Attorney and Solicitor General, who upon consideration of the Several Patents under which Mason claimed reported that he had a good and legal Title to the Lands conveyed by them.

In 1679 the Crown took the Government of the Province of New Hampshire into its own hands; and a Commission passed the Great Seal appointing a President and Council to govern the Province in which Commission Mr. Mason's Title is mentioned in the following words:

"And Whereas the Inhabitants of the Country have long been in possession and are said to have made considerable Improvements on the lands they hold, but without any other Title than what have been derived by the Government of Boston in virtue of their Imaginary Lines to which Title as it has by the opinion of the Judges been all together set aside, so the agents of Boston have consequently disowned any right either in the soil or Governmt from the three miles line aforesaid: and as it appeared that the ancestors of Mr. Mason obtained Grants from the Great Council of Plymouth for this Tract, and were at very great expence upon the same till molested, and finally driven out, which hath occasioned a lasting complaint for Justice by the said Mr. Mason ever since the Restoration: However, to prevent in this case any unreasonable demands which may be made by the said Mr. Mason for the Right he alleged to the soil, we have oblidged Mr. Mason under hand and Seal to declare, that he will demand nothing for the time past until the 24th of June 1679, nor molest any in their possessions for the time to come, but make out Titles to them and their Heirs forever; provided they will pay unto him by fair agreement in lieu of all their Rents sixpence in the pound according to the just and true yearly value of all houses Built by them, and of all lands whether Gardens or orchards, arable or pasture, which have been improved by them which he will agree should be Bounded out unto every of the said Parties concerned, and that the Residue might remain to himself to be disposed of for his

"best advantage: But if notwithstanding this overture from Mr. Mason "which seems so fair unto us, any of the Inhabitants there should refuse "to agree with his agents upon these terms, you are impowered to inter-"pose and reconcile all differences if you can; but if not you are to send "home such cases fairly and impartially stated, together with your opin-"ions, that we may at our Council Board, with regard to Mr. Mason's "antient Right and the long possession Improvements or any other Title "of the Inhabitants, determine therein according to Equity."

In 1680 Mr. Mason went over to the Province to prosecute his Title, and altho' many of the Inhabitants at first appeared willing to submit to it, yet as the members of the Council were proprietors of the greatest part of the cultivated Lands, they made use of all their Interest and the Influence which their situation and character gave them to prevent his getting possession and they so far prevailed that he was at length obliged to commence suits in the Courts there against some of the provincial Proprietors(1); while these suits were depending Mr. Mason in order to strengthen his interest at home made a surrender to the Crown of all Fines and forfeitures in New Hampshire, and of one fifth of the Rents and Revenues for the support of Government.

In 1681, a commission passed the Great Seal appointing Edward Cranfield Esq. Lieutenant Governor of New Hampshire, in which Robert Mason stiled therein proprietor, and eight others are appointed Councillors, and there is a clause inserted in it recognising Mr. Mason's Title in the same words as that inserted in the former Commission.

It does not appear that the Authority or Influence which it might be supposed would be derived to Mr. Mason from this Commission had any effect to reinstate him in the possession of his property, the Inhabitants still continue to contest his Title, tho' several Judgments were given in his favour in the Courts there, one of which was upon an Appeal confirmed by his Majesty in Council.

In about the year 1685 Mr. Mason returned to England, where he died(2) leaving the Province of New Hampshire to his two sons John & Robert Mason, who in 1690 [1691] sold it to Samuel Allen of London, for two Thousand seven hundred Pounds, having first sued out a Fine and Recovery in Westminster Hall, in order to bar the Entail.(3)

The first mention made of Mr. Allen's Title after this purchase is in the charter granted by King William to the Massachusetts Bay in 1691, where his Right is reserved in the following words, viz: "Provided also that "nothing herein contained shall exstend or be understood or taken to "impeach or prejudice any Right, Title, Interest or demand, which "Samuel Allen of London merchant, claiming from and under John Mason "Esq. deceased, or any person or persons hath or have, or claimeth to "have, hold or enjoy of into or out of any part or parts of the premises "situated within the limits above mentioned, but that the said Samuel "Allen and all and every such person and persons may and shall have, "hold and enjoy the same in such manner (and no other than) as if these "presents had not been made."

In 1691 Mr. Allen was appointed Lieutenant Governor of this Province who brought many actions in the Courts of Justice there against the Inhabitants in the possession of the Lands he claimed, but a verdict was given against him by the Jury in every action.

(1) See Vol. I, pp. 575-578 and Vol. II, pp. 514-561, of Prov. Papers.—Ed.

(2) This is a mistake. He died at Esopus in New York, 1688, aged 59. Prov. Pap. Vol II, p. 535.—Ed.

(3) See Prov. Pap. Vol. II, pp. 535-540.—Ed.

In 1697, Lord Bellamont was appointed Governor of all New England, by which Mr. Allen's Commission as Governor of New Hampshire was superseded.

In 1702 Col° Allen brought an appeal to her Majesty in Council from a verdict and Judgment given against him in the Superiour Court of Judicature in New Hampshire, the 13th of August 1700 in favour of Richard Waldron, who at that time possessed the largest Quantity of land in New Hampshire—which said Judgment was upon an hearing of all parties affirmed: But in regard the Judgment was not final in its nature, the order directed that the defendants should be left at liberty to bring a new Action in Ejectment(1) in the Conrts in New Hampshire in order to try his Title to the propriety of the Lands in question or certain quit Rents Payable out of the same and that in case upon such trial any Doubt in Law should arise, the Jury be directed to find the matter specially, that is, what Title the appellant and Defendant do severally make out to the said Lands in question, and that the Points in Law should be reserved to the Court before which the same should be tried; or if upon such Trial any Doubt should arise concerning the Evidence given at such trial such doubts should be specially stated and taken in writing to the end that in case either party should think to appeal to her Majesty in Council from the Judgment of the Court therein, Her Majesty might be more fully informed in order to a final determination of the said case.

While this appeal was depending before her Majesty in Council, Mr. Allen presented a Petition praying to be put in possession of the waste and unimproved Lands in the said Province; and on the 28th of January 1702-3 his Petition was referred to the Attorney General for his opinion. 1st, Whether Mr. Mason had a Right to the waste Lands in the Province of New Hampshire; 2dly What Lands in that Province were to be reputed waste Lands, and 3dly By what methods her Majesty might put him in possession. Upon the 5th of April 1703, the Attorney General reported his opinion, "That Samuel Allen had a good Title to the Waste Lands of the "Province of New Hampshire; that all lands lying uninclosed and unoc-"cupied were to be reported waste; and that Mr. Allen might enter into "and take possession of the same, and that if he should be disturbed in "the possession thereof, it would be proper to him (her Majesty having "Courts of Justice within the said Province) to assert his Right and pun-"ish the Trespassers by Legal Proceedings in these Courts; and that it "would not be proper for her Majesty to interpose in this matter unless "the Question concerning the Right should come before her Majesty by "Appeal from the Judgments that should be given in the Courts in the "said Province, save it might be reasonable as he conceived to direct that "(if Mr. Allen insisted on it) on the Trials that might be had for settling "the Right to the said Province, that the matters of fact relating to his "and the Titles of others claiming the same Land, might be specially "found by the Juries that should be impanneled in the same Trials, that "the matters of fact might appear before her Majesty, if appeals should "be made from the Judgments that should be given in the said Province."

In consequence of this opinion of the Attorney General Col° Dudley, then Governor of New England was directed by a Letter from the Queen, that in case Mr. Allen should be opposed by the Inhabitants and hindred from entring quietly into possession of the waste Lands, or should be disturbed in the possession thereof, whereupon any Trial or Trials should be brought before her Majesty's Courts there for settling the Title to the waste Lands, and that on such Trial or Trials the said Allen did insist that the matters of fact should be specially found by the Juries, that he should do all which in him lay that the matters of fact should be specially found accordingly.

(1) See Prov. Pap. Vol. II, pp. 514-561.—Ed.

On the 20th(1) of Feby 1703-4 Colo Dudley acquainted the Assembly of New Hampshire with the orders he had received relative to Mr. Allen's Title. Upon which the Assembly addressed him to represent to her Majesty that they were sensible of her regard to Justice in the late Trial between Mr. Allen and Mr. Waldron which had forever obliged them to a sense and resolution in their Duty and obedience to her Majesty, that they only claimed the property of such Land as was contained within the Bounds of the Towns which was less than one third part of the Province, and have been possesed by them and their Ancestors for more than sixty years, and that they had no objection to the other two thirds being adjudged to Mr. Allen.

On the 3d of May 1705(2) the Inhabitants and Terre Tenants of the Province at a General meeting held at Portsmouth, came to the following resolution with respect to Mr. Allen's Title.

"That they had not on behalf of themselves nor any the Inhabitants of this Province, whom they represented, any challenge or claim to any part of this Province extra the bounds of the four Towns of Portsmouth, Hampton, Dover and Exeter, with the Hamlets of New Castle and Kingston &c. appertaining, which were all comprehended by a Line on the western part of Dover, Exeter and Kingstown, already known and laid out, and should be forthwith revised; but that the said Samuel Allen, Esq. his heirs and Assigns might peaceably hold and enjoy the said great waste containing 40 miles in length and 20 miles in Breadth or thereabouts at the Heads of the four Towns aforesaid, if so should please her Majesty; and that the Inhabitants of this Province at all times should be so far from giving Interruption to the settlement thereof, that they desire by all means, that the waste might be planted and filled with Inhabitants, the Lands being very capable thereof, to whom they would all give their assistance and encouragement as far as they were able.

"That in case Samuel Allen should for himself, his Heirs, Executors &c. for ever quit claim unto the present Inhabitants, their Heirs and assigns forever of all that Tract of Land and every part and parcel thereof with all privileges &c. situate lying and being within the several Towns of this Province, to the extents of the Bounds thereof, and also warrant and defend the same to the Inhabitants against all manner of persons whatever free from mortgage, Intailment and all other manner of Incumbrances; and that this agreement and the lands therein contained should be accepted and confirmed by her Majesty,—then and in such case they agree to lot and lay out unto Samuel Allen his Heirs and Assigns forever five Hundred Acres of Land out of the Townships of Portsmouth and New Castle, 1500 Acres out of the Township of Dover, 1500 acres out of the Township of Hampton & Kingston, and 1500 acres out of the Township of Exeter; all which Lands should be laid out to him the said Samuel Allen out of the Commonages of the respective Towns in such place or places not exceeding three places in a Town as should be most convenient to Mr. Allen, and least detrimental to the Inhabitants of the Town.

"And further they agree to pay Samuel Allen, Heirs or Assigns two thousand Pounds current money of New England, that is to say, one thousand Pounds within twelve months after the receipt of her Majestys confirmation of this their agreement, and the other thousand pounds within twelve months after the first payment.

"And further that all contracts and bargains formerly made between Mr. Mason and Mr. Allen with any the Inhabitants or other her Majestys sub-

(1) The 10th of February 1704. See Prov. Pap. Vol. III, pp. 271—276. Ed.
(2) See Prov. Pap. Vol. III, p. 275, 276.—Ed.

jects, which were bona fide for lands or other privileges in the possession of their Tenants in their own just Right, besides the claim of Mr. Mason or Mr. Allen and no other, shall be accounted good & valid by these articles; But if any the Purchasers, Lessees or Tenants should refuse to pay their just part of what should be agreed to be paid, referring to this affair, in equal proportion with the rest of the Inhabitants according to the Land they hold for their share, should be abated by Mr. Allen out of the two Thousand Pounds payable to him by this agreement.

"And further that upon Mr. Allen's acceptance and under writing of these articles, they promised to give good Personal security for the payments abovesaid.

"And further that all actions and suits in the Law depending or thereafter to be brought conserning the premises should cease, determine and be void, untill her Majesty's pleasure should be further known therein."

These Propositions having been finally settled and agreed to, were ordered to be presented to Mr. Allen for his acceptance; but his Death which happened on the next Day prevented it.

Upon the Death of Col° Allen, his Son Thomas Allen petitioned the Crown that an appeal brought by his father to the Governor and Council against a Judgment given in the inferior Courts in favor of Waldron might be received which Petition having been referred to the Attorney General for his opinion, whether it might be proper for his Majesty to grant the Prayer thereof, the Attorney General on the 23d of March 1705-6 reported his opinion, that by the Plaintiff's Death the writ of Error was abated and could not be revived.

Upon Mr. Allen's suing for writs of Ejectment in his own name he was cast with costs, whereupon he appealed to her Majesty in Council, but died before the appeal was determined, having first by Deed of Sale dated the 23d of August 1706 conveyed one-half of his Lands to Sr Charles Hobby of Boston in New England.

Upon the Death of Mr. Allen the half of New Hampshire, which remained unsold devolved to two infant sons, but it does not appear that any application was ever made since that time, by them or any one in their behalf or any claiming under them to be put in possessions; and in the year 1716, Colonel Shute was appointed Governor of New England, with power in his Commission of granting Lands in New Hampshire, in consequence whereof several Townships were laid out; nor does it appear that any claim of property was set up until the year 1746, when John Tufton, who had taken upon him the name of John Mason and who is one of the surviving grandsons of Robert Mason, pretending that the Fine and recovery sued out in Westminster Hall by John and Robert Mason 1699 previous to the Conveyance of them to Samuel Allen was illegal, as it ought to have been done in the Courts there, himself sued out a Common Recovery in the Courts of New Hampshire; in consequence whereof the Sheriff put him in possession and he sells his Right by Deeds to sundry persons in the Province who have taken upon them to grant Lands and lay out Townships.

The Question arising upon a consideration upon this State of the Cause was, Whether the uniform silence and Discontinuation of all sorts of claim to the waste and unimproved Lands within the Province of New Hampshire for more than forty years necessarily, during the greater part of which time the Crown has occasionally made several Grants of the unimproved Lands of the said Province without exception or complaint from any person or Family does not prescriptively vest the waste Lands of the said Province in your Majesty? How far any private claim to

these lands so long deserted can now be revived against such an Exercise of Power over them in the Crown? If these waste Lands are not in your Majesty, to whom do they belo g? and what will be the regular and best method of bringing this matter to a final and Legal determination?

Upon this question your Majesty's attorney and Solicitor General have reported to us: "That it is impossible to give an answer to it without knowing many circumstances which do not appear upon the state of the case. 1st, That it is asked to whom the Lands belong? That they were originally granted to Mason and afterwards conveyed to Allen: That whether that conveyance be good depends upon the Will of John Mason and upon the Fine and Recovery said to have been levied and suffered which were not perticularly stated in the case: upon the Usage or Laws in New Hampshire in relation to barring Estates Tail not stated to all, and upon the Infancy or other Disability of the Issue in Tail, his acquiescence and the acts of Limitation in New Hampshire, none of which matters were before them."

"2dly That it is asked Whether these Lands belong to the Crown? Upon this ground as they suppose that neither the Masons nor Allens for 40 years past have done any thing till 1746, that this depends upon a variety of circumstances, such as the nature and causes of the acquiesance, the acts done by the Crown in the mean time, the kind of possession taken in 1746, and what has been done since; That they can only say that where Persons under grants from the Crown have quietly possessed and improved,--so great a regard is always had to Persons who have settled Lands in America, that it is hardly possible for a State Title to be so circumstanced, as to proceed against them; but that in such cases the length of time during which they have been permitted to improve is extremely material. That upon the whole they cannot advise any thing so proper, as that the Parties if any suits should be commenced in New Hampshire, should take care to have the evidence so laid before the Court as to be transmitted to England in case of an Appeal to your Majesty in Council."

Whereupon we beg leave to represent to your Majesty that as your Majesty's Attorney & Solicitor General have not been able to give a satisfactory answer or opinion on this matter, for want of fuller Information in several particulars which is not in our Power to state to them with that precision which is necessary in so complicate a Cause, we did immediately on the Receipt of the said Report, write your Majesty's Governor of the said Province of New Hampshire, directing him to transmit to us as soon as possible the fullest information he can obtain upon the several points therein mentioned, together with whatever else may have any relation to or may serve to explain the question in dispute, and also to take care in the mean time that, if any suits are commenced in the said Province the Parties have their Evidence so laid before the Court as to be transmitted hither in case of an appeal to your Majesty in Council confirmable to the opinion of your Majestys Attorney and Solicitor General.

All which is humbly submitted.

Whitehall, Feby 2d 1753.

Signed DUNK HALIFAX, CHARLES TOWNSHEND, JAMES OSWALD, FRANS FANE. } Lords Comrs of Trade & Plantations.

Indorsed, 7th Feby 1753.
Referr'd to a Commee.

Report of Agents empowered to receive the Money Voted by Parliament to the Colonies of North America, &c.

[Copied from MS. Corr. Vol. III, pp. 237–242.]

At a meeting in London the nineteenth day of May 1763, of the several under written Agents empowered to receive the Money voted by Parliament to the Colonies of North America for the services performed by them in the year 1760, to wit:

For Massachusetts Bay, Jasper Mauduit, Esq.
New Hampshire, John Thomlinson, Esq.
Rhode Island, Joseph Sherwood, Esq.
Connecticut, Richard Jackson, Esq.
New York, Robert Charles, Esq. for Sir Wm. Baker & himself.
New Jersey, Henry Drummond, Esq for Drummond & Co.
Pensilvania John Barclay, Esq. for Messrs. Seargeant, Aufrere & [Barclay
Virginia, Edward Montagu, Esq.

The following Papers were read and taken into consideration.

A certifyed Copy, under the hand of one of the Secretaries of the Treasury, of General Amherst's Return of the Troops furnished by those Colonies for the year 1760, in these words:

Return of the Troops furnished by the several Provinces in North America for the Publick service in the year 1760.

Provinces or *Colonies*	Number of men Voted to be levied, cloathed and paid	Number of men actually raised and took the Field.
New Hampshire	800	796
Massachusetts Bay	5,500	4,964
Rhode Island	1,000	952
Connecticut	5,000	3,397
New York	2,680	2,468
New Jersey	1,000	935
Pensilvania	2,700	1,350
Maryland		
Virginia	1,000	1,000
North Carolina	500	
South Carolina		

These are to certify the Right Honble the Lords Commissioners of his Majestys Treasury, that the above is a true State of the respective Quotas of men raised by the several Provinces on the Continent of North America in consequence of his Majesty's Requisition for the service of the year 1760 as nearly as the numbers can be ascertained from the straggling manner in which the Provincials generally take the Field. The Province of South Carolina did make provision for raising one thousand men for the Expedition against the Cherokees under the command of Col^o Montgomery, but there were very few raised the Number not exceeding *Eighty*, exclusive of a Corps of Rangers consisting of about Five Hundred Horsemen which were in pay of the Province and were principally employed in escorting Provisions &c to the Army and out posts.

JEFF: AMHERST.

A true copy
C. Jenkinson.

A certified copy in like manner of an Extract of a Minute of the Treasury Board bearing date the 18th Day of June 1762 in these words.

Whitehall Treasury Chambers 18th June, 1762.

Present

Sir Francis Dashwood
Lord North
Mr. Oswald.

Read a letter from Robert Wood, Esq. of Lord Egremont's office, Stating that there is no exact Account and regular Return made to Lord Egremont's office, but that it appears by General Amherst's Correspondence that the number of troops demanded by General Amherst of the Provinces were the same as in 1759 and the services pretty much the same. General Amherst's Correspondence being Indefinite and some of the Agents insisting that their Colonies sent more Troops in proportion to the rest in 1760, than they had done in the year 1759.

My Lords direct that General Amherst be wrote to for his Certificate, which must be the Rule of this apportionment, unless the Agents can agree among themselves as to the number of Troops and time in which they were employed.

T. Dyson.

A true Copy.

A certifyed Copy in like manner of the Letter of the Agents to Samuel Martin Esqr, then one of the Secretaries of the Treasury, dated the 25th day of June 1762:

London, 25th June, 1762.

Sir—

In obedience to the Commands of the Right Honble the Lords Commissioners of his Majtys Treasury signified in your Circular Letter of the 21st Instant to the Agents of the Colonies of North America touching the Distribution of the 200,000 granted by Parliament in 1761 as a compensation to the said Colonies for the Troops raised, cloathed and paid by them respectively in the year 1760, We whose Names are underwritten have met and considered what has been recommended to us by your said Letter, and as it appears to us, that the service performed by our respective Colonies in the year 1760 was exactly similar to that of the preceeding year, We are humbly desirous that their Lordships may order the apportionment of the Money granted for the year 1760 in the like manner as was done in the year 1759, and in case from the Return of General Amherst any inequality should appear in this Apportionment, We are willing and contented that out of the money granted for the year 1761, such inequality be adjusted and settled at the good pleasure of their Lordshsips, to which we readily submit ourselves and are with great regard,

Sir, your most obedient servants.

For New York	R. Charles
For New Hampshire	John Thomlinson
For Connecticut	R. Jackson
For Pensilvania	Geo. Aufrere, John Barclay
For New Jersey	Andrew Drummond & Co.
For Rhode Island	Joseph Sherwood
For Massachusetts Bay	Jasr Manduit.

A true copy
C. Jenkinson.

Whereupon it being observed, that the apportionment made by the Treasury Board to the respective Colonies for the year 1760 differs materially from that which would have been made under General Amherst's Return, which the Lords Commissioners of the Treasury by the Extract of their Minute abovementioned consider as the Rule of apportionment & according to which, therefore the Agents by their stipulation in the above recited Letter have Engaged to adjust the Inequalities that might arise on their Lordships issuing at the request of the said agents the money voted for the service of 1760, upon the footing of the preceding year, the Exigencies of several Colonies requiring that the Distribution should not be delayed, because if the said Agents had not so agreed their Lordships would have waited for the said Returns, and upon receit of it would thereby have governed their apportionment, a calculation was then presented, read, and examined, whereby it truly appears that on the said Distribution there has been overpaid

To Connecticut	£3619 : 12.
To Pensilvania	10,947 :
	14,566 : 12

And that the Proportion of the said sum becoming due and payable to the six other Colonies is thus :

	From Conn^{t}.	From Penn^{a}.	Total.
To Massachusetts Bay	461 : 13 : 6	1396 : 6 : 6	1858 :
New Hampshire	167 : 4 : 6	505 : 18 : 6	673 : 3
Rhode Island	631 : 12 : 0	1910 : 3 : 0	2541 : 15
New York	144 : 7 : 6	4368 : 2 : 6	5812 : 10
New Jersey	581 : 0 : 0	1757 : 3 : 0	2338 : 3
Virginia	333 : 14 : 6	1009 : 6 : 6	1343 : 1
	3619 : 12.	10,947.	14,566 : 12

'The agent for the Colony of Connecticut acknowledged that in consequence of the Stipulation made by the said Letter the demand founded thereupon from the said Colony appears to him to be just & ought to be discharged out of the money to be Issued to that Colony for the service of the year 1761 at the good pleasure of their Lordships of the Treasury if to them it shall seem meet.

The agents for Pensilvania making the like acknowledgment of the Justice of the said Demand made upon them, in behalf of the said Colony, represented, that they were informed that General Amherst in his Return for the year 1761 has not mentioned any Troops as furnished by Pensilvania, & consequently if that Return governs the ensuing Distribution no part thereof will fall to the share of that Province, that the whole sum which had been issued to them for the year 1760 was nearly drawn for from Pensilvania, and thereby they had it not in their power to make good the stipulation in the said Letter mentioned, but that they had such Faith and confidence in the Honour of the Colony they served and believed that the Engagement of their agents would be so punctually discharged that they were ready and willing to come into any reasonable & equitable Proposition that may be satisfactory. Whereupon it was proposed, and upon deliberate Consideration unanimously agreed, That the agents of Pensilvania do forthwith represent this matter to their constituents praying them that for the Honour of the said Colony and for supporting the credit of their agents, Order might be taken to pay over in America, as soon as may be to the Treasurer of the respective Colonies above mentioned or to other persons thereunto authorized the said Sum of £10.947 sterling in the proportions before stated.

Whereof all the said agents are to apprise their respective Constit-

uents Transmitting to them a Copy of this minute—In Faith and Testimony of which Transaction the said agents have hereunto set their Hands in order to be deposited if need be at the Treasury Board, & to Eight Duplicates of the same to be transmitted to their respective Constituents.

JOHN THOMLINSON
HENRY DRUMMOND.
JASPR MAUDUIT
JOSEPH SHERWOOD
RD JACKSON
JOHN BARCLAY for Sargeant Aufrere Barclay & Self
RD JACKSON, for Edwa Montagu
R. CHARLES.

Commission of Gov. Benning Wentworth, from his Majesty, George the Third, 1760.(1)

[Copied from "Commissions" in Secys office, 1747 to 1828.]

GEORGE the Third by the Grace of God of Great Britain, France & Ireland, King, Defender of the Faith & so forth.

To our Trusty & well beloved Benning Wentworth Esquire, GREETING:

Whereas our late royal Grandfather of Blessed memory, did by his Letters Pattent under the Great Seal of Great Britain bearing date at Westminister, the 3d Day of July in the fifteenth year of his reign, constitute and appoint you the said Benning Wentworth Governor & Commander-in-Chief of our Province of New Hampshire within our Dominion of New England in America, lying and extending itself from three miles northward of Merrimack river or any part thereof unto the Province of Maine with the south part of the Isles of Shoals, during his Will and Pleasure, as by the said recited Letters Pattent relation being thereunto had, may more fully and at large appear: NOW, KNOW YOU, That Wee have revoked & Determined & by these Presents do revoke & Determine the said recited Letters Patent and every clause, article, and thing therein contained; and Further know you, That Wee, reposing especial Trust & Confidence in the Prudence, Courage & Loyalty of you the said BENNING WENTWORTH of our Especial Grace, certain Knowledge & meer motion, Have thought fit to constitute and appoint, and by these Presents do constitute and appoint you, the said Benning Wentworth to be our Governour & Commander-in-chief of our Province of New Hampshire within our Dominion of New England in America, bounded on the south side by a similar curve line, pursuing the course of Merrimack river at Three miles Distance on the North side thereof beginning at the Atlantic Ocean and ending at a Point due North of a Place called Pautucket Falls, and by a strait Line drawn from thence due West cross the said river, till it meets with our other Governments, and Bounded on the Northside by a Line passing up thro' the mouth of Piscataquay Harbour & up the middle of the River into the river Newichiwannock, Part of which is now called Salmon Falls, & thro' the middle of the same to the furthest Head thereof, and from thence North Two Degrees Westerly untill one hundred & Twenty miles be fin-

(1) The Commission is precisely similar in FORM to that first received by Governor Wentworth in 1741, with the exception that the first indicates the removal of Gov. Jonathan Belcher, and the appointment of Gov. W. in his place.—ED.

ished from the mouth of Piscataqua Harbour aforesaid, or until it meets with our other Governments, and by a Dividing Line parting the Isles of Shoals & running thro' the middle of the Harbour between the said Islands to the sea on the southerly side the southwesterly part of the said Islands to be accounted part of our Province of New Hampshire, with all & singular the Powers & Authoritys hereby granted you for and during our Will & Pleasure: And We do hereby require & Command you to do & Execute all things in due manner that shall belong unto your said Command & the Trust We have reposed in you according to the several Powers & Directions granted or appointed you by this Present Commission and the Instructions & Authorities herewith given or by such further Powers, Instructions & Authorities as shall at any time hereafter be granted or appointed you under our signet & sign manual or by our Order in our Privy Council & according to such reasonable Laws & Statutes as now are in force or hereafter shall be made & agreed upon by you with the advice & consent of our Council & the Assembly of our said Province and Plantation under your Government, in such manner & form as is hereafter expressed, and our Will & Pleasure is that you the said Benning Wentworth after the Publication of these our Letters Pattent, do, in the first Place take the Oaths appointed by an act passed in the first year of the reign of King George the First of Blessed memory, Entituled an Act for the further security of his Majesty's Person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants & for extinguishing the Hopes of the Pretended Prince of Wales and his open & secret abettors, as also that you make & subscribe the Declaration mentioned in an Act of Parliament made in the Twenty-fifth year of the reign of King Charles the Second, entituled an Act for Preventing Dangers which may happen from Popish recusants, and likewise that you take the usual oath for the due Execution of the office & Trust of our Governour & Commander-in-chief in & over our said Province of New Hampshire [as] well with regard to the due & Impartial administration of Justice as otherwise, and further that you take the oaths required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade & the Plantations be observed, which said oaths & Declaration our Council in our said Province or any three of the members thereof have hereby full Power & authority and are required to Tender & administer unto you & in your absence unto our Lieut. Governour, if there be any upon the Place, all which being duly perform'd you shall administer unto each of the members of our said Council, as also to our Lieutenant Governour if there be any upon the Place the oaths appointed by the said act entituled an Act for the further security of his Majesty's Person & Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the Pretended Prince of Wales & his open & secret abettors, as also cause them to make & subscribe the afore mentioned Declaration, & to administer to them the oath for the due execution of their Places & Trusts: And wee do hereby give & Grant unto you full Power and authority to suspend any of the members of our said Council from sitting, Voting & assisting therein, if you shall find just cause for so doing; and if it shall at any time happen that by the Death, Departure out of our said Province, suspension of any of our said Councillors, or otherwise there shall be a Vacancy in our said Council, any three whereof we do hereby appoint to be a Quorum, our Will & Pleasure is that you signify the same unto us by the first opportunity, that wee may under our signet and sign manual constitute & appoint others in their stead, but that our affairs at that Distance may not suffer for want of a due number of Councillors, if ever it shall happen that there be less than seven of them residing in our said Province, Wee do hereby give & grant unto you the said Benning Wentworth full Power & Authority to choose

as many Persons out of the Principal Freeholders Inhabitants thereof as will make up the full Number of our said Council to be seven & no more, which persons so chosen & appointed by you shall be to all intents & Purposes Councillors in our said Province until either they shall be confirmed by us or that by the nomination of others by us under our sign manual & signet our said Council shall have seven or more Persons in it: And wee do hereby give & grant unto you full Power and Authority with the advice & consent of our said Council from time to time as need shall require to summon & call General Assemblys of the said Freeholders & Planters within your Government in manner & form according to the usage of our Province of New Hampshire: our will & Pleasure is that the Persons thereupon duly Elected by the major Part of the Freeholders of the respective Counties & Places and so re urned shall before their sitting take the oaths appointed to be taken by the said Act Entituled An Act for the further security of his Majesties Person & Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the Hopes of the Pretended Prince of Wales & his open and secret abettors as also to make and subscribe the fore mentioned Declaration; which oaths & Declaration you shall Commissionate fit Persons under our Seal of New Hampshire to Tender and administer unto them & until the same be so taken & subscribed no Person shall be capable of sitting tho' elected, and Wee do hereby Declare that the Persons so elected & qualified shall be called & Deemed the General Assembly of tha' our said Province & Plantation and that you the said Benning Wentworth with the consent of our said Council & Assembly or the major part of them respectively shall have full Power and authority to make Constitute & ordain Laws, Statutes & Ordinances for the Publick Peace, Welfare & good Government of our said Province & of the People & Inhabitants thereof, and such others as shall resort thereto, and for the Benefit of us our Heirs & Successors, which said Laws, Statutes & ordinances are not to be repugnant, but as near as may be agreeable to the Laws & Statutes of this our Kingdom of Great Britain, Provided that all such Statutes & ordinances of what nature & Duration soever be within three months or sooner after the making thereof transmitted unto us under our Publick Seal of New Hampshire for our approbation or Disallowance of the same, as also Duplicates thereof by the next conveyance, and in case any or all of the said Laws Statutes & ordinances not before confirmed by us shall at any time be disallowed & not approved & so signified by us our Heirs or successors under our or their sign manual & signet or by order of our or their Privy Council unto you the said Benning Wentworth or to the Commander-in-Chief of our said Province for the time being, then such & so many of the said Laws Statutes & ordinances as shall be so disallowed and not approved, shall from thence cease, Determine & become utterly Void, & of none effect, any thing to the contrary thereof notwithstanding: And to the End that nothing may be passed or done by our said Council or Assembly to the Prejudice of us, our Heirs & Successors We will and ordain that you the said Benning Wentworth shall have & Enjoy a negative Voice in the making & Passing of all Laws & Statutes & Ordinances as aforesaid, and you shall and may likewise from time to time as you shall judge it necessary, adjourn, Prorogue & Dissolve all General Assemblies as aforesaid. Our further Will and Pleasure is, that [you] shall and may keep and use the Publick Seal of our Province of New Hampshire for sealing all things whatsoever that Pass the Great Seal of our said Province under your Government, and Wee do further give & grant unto you the said Benning Wentworth full power and authority from time to time & at any time hereafter by yourself or by any other to be authorized by you in that behalf, to administer & give the aforesaid oaths appointed to be taken by the said act Entituled an act for the further security of his Majesty's Person

and Government, and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the Pretended Prince of Wales & his open and secret abettors, to all and every such person or persons as you shall think fit, who shall at any time or times pass into our said Province or shall be resident or abiding there; And We do by these Presents give and grant unto you the said Benning Wentworth full Power and authority with the advice & consent of our said Council to erect, constitute & establish such & so many Courts of Judicature and Publick Justice within our said Province and Plantation as you and they shall think fit & necessary for the hearing and determination of all Causes as well criminal as civil according to Law and Equity and for awarding of Execution thereupon with all reasonable and necessary Powers, authorities, fees and Priviledges belonging thereunto, as also to appoint and commissionate fit Persons in the several parts of your Government to administer the oaths appointed to be taken by the aforesaid Act Entituled an Act for the further security of his Majesty's Person & Government and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the Pretended Prince of Wales and his open and secret abettors, as also to Tender & administer the aforesaid Declaration unto such Persons belonging to the said Courts as shall be obliged to take the same; And We do hereby authorize and Impower you to constitute & appoint Judges and in cases requisite Commissioners of Oyer and Terminer, Justices of the Peace and other necessary officers and ministers in our said Province for the better administration of Justice and putting the Laws in execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and Performance of offices and Places and for the clearing of Truth in Judicial Causes, and we do hereby give and grant unto you full Power and authority where you shall see cause or shall Judge any offender or offenders in criminal matters or for any Fines or Forfeitures due unto us fit objects for our mercy to Pardon all such offender or offenders, and to remit all such fines and forfeitures, Treason and Willfull murder only excepted, in which cases you shall likewise have Power upon extraordinary occasions to grant reprieves to the offenders until and to the Intent our royal Pleasure may be known therein. We do by these Presents authorize and Impower you to collate any Person or Persons to any Churches, Chappels or other Ecclesiastical Benefices within our said Province as often as any of them shall happen to be void, and We do hereby give and grant unto you the said Benning Wentworth by yourself or by your Captains and Commanders by you to be authorized, full Power and authority to Levy, arm, muster, command and Employ all persons whatsoever residing within our said Province and Plantations, and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all Enemies, Pyrates & rebels both at Land and Sea, and to transport such forces to any of our Plantations in America if necessity shall require for the Defence of the same against the Invasions or attempts of any of our Enemies, and such Enemies, Pirates and rebels, if there shall be occasion to pursue and Prosecute in or out of the limits of our said Province & Plantation or any of them, and if shall so Please God, them to vanquish, apprehend and take, and being taken according to Law to put to Death or keep or Preserve alive at your discretion, and to Execute martial Law in time of Invasion or other times, when by Law it may be executed, and to do and execute all and every other thing and things which to our Governour-in-Chief doth or ought of right to belong; And We do hereby give and grant unto you full power and authority by and with the advice and consent of our said Council of New Hampshire, to erect, raise and build in our said Province & Plantation such and so many Forts & Platforms, Castles, Citys, Boroughs Towers & fortifications as

you by the advice aforesaid shall judge necessary & the same or any of them to fortify & furnish with ordnance, ammunition and all sorts of arms fit and necessary for the security & Defence of our said Province, & the same or any of them to Demolish or Dismantle as may be most convenient; and forasmuch as Divers mutinies & Disorders may happen by persons shipped & Employed at sea during the time of war, and to the end that such Persons as shall be shipped & Employed at sea during the time of war, may be the better governed and ordered, We do hereby give and grant to you the said Benning Wentworth our Governor & Commander-in-chief full Power & authority to constitute and appoint Captains, Lieutenants, masters of ships & other Commanders & officers, Commissions to Execute the Law martial according to the Directions of an Act Passed in the Twenty second year of the reign of our late Royal Grand-father Entituled an act for amending, explaining and reducing into one act of Parliament the Laws relating to the Government of his Majesty's Ships, Vessels & forces by Sea, & to use such Proceedings, authorities, Punishments, Corrections & Executions upon any offender or offenders which shall be mutinous, seditious, Disorderly or any way unruly either at sea or during the time of their abode or residence in any of the Ports Harbours or Bays of our said Province or Territories as the case shall be found to require, according to the martial Law and the said Directions during the time of War as aforesaid—Provided that nothing herein contained shall be construed to enabling you or any by your authority to hold Plea or have Jurisdiction of any offence cause matter or thing committed or done upon the High Sea or within any of the Havens, rivers or creeks of our said Province or Territories under your Government by any Captain Commander, Lieut. master, officer, seaman, soldier, or other person whatsoever who shall be in actual service and pay in or on board any of our Ships of War or other vessels acting by Immediate Commission or Warrant from our Commissioners for executing the office of our High Admiral, or from our High Admiral of Great Britain for the time being under the Seal of our Admiralty; but that such Captain Commander, Lieutenant officer seaman soldier or other person so offending shall be left to be proceeded against and tried as the merits of their offences shall require either by Commissions under our Great Seal of Great Britain as the Statute of the Twenty Eighth of King Henry the Eighth Directs or by Commission from our said Commissioners for Executing the office of our High Admiral or for our high Admiral of Great Britain for the time being according to the forementioned act, Entituled an act for amending Explaining & reducing into one act of Parliament the Laws relating to the Government of his Majesty's ships, vessels & forces by Sea, and not otherwise—Provided also that all Disorders & misdemeanors committed on shore by any captain commander Lieutenant master officer seaman soldier or other Person whatsoever belonging to any of our ships of War or other vessels acting by Immediate Commission or Warrant from our said Commissioners for Executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the seal of our Admiralty may be tryed & punished according to the Laws of the Place where any such Disorders offences & misdemeanors shall be so committed on shore, notwithstanding such offender be in our actual service & borne in our pay on board any such our ships of War or other vessels acting by immediate commission or Warrant from our said Commissioners for Executing the office of our High Admiral or from our High Admiral as aforesaid, so as he shall not receive any protection for avoiding of Justice for such offenses committed on shore from any Pretence of his being employed in our service at Sea. Our further Will and Pleasure is that all Publick monies raised or to be raised within our said Province be Issued out by Warrant from you by & with the advice & consent of our Council and

disposed of by you for the support of the government & not otherwise. And We do hereby likewise give & grant unto you full Power and authority by & with the advice of our said Council to agree with the Inhabitants of our said Province for such Lands Tenements and Hereditaments as as now are or hereafter shall be in our Power to dispose of, and them to Grant to any person or persons for such Terms and under such moderate Quitrents, services & acknowledgments to be thereupon reserved unto us as you by & with the advice aforesaid shall think fit, which said Grants are to pass and be seal'd by our seal of New Hampshire, & being Entered upon record by such officer or officers as you shall appoint thereunto shall be good and effectual in Law against us, our Heirs & Successors; and We do hereby give you full Power to order & appoint Fairs, marts & markets within our said Province as you with the advice of our said Council shall think fit and to order and appoint such and so many Ports, Harbours Bays Havens and other Places for the convenience & security of Shipping and for the Better Loading & unloading of Goods & merchandise in such and so many Places as by you with the advice and consent of our said Council shall be thought fit and convenient, and in them or any of them to erect, Nominate & appoint Custom Houses Ware houses & officers relating thereunto and them to alter change Place or Displace from time to time as with the advice aforesaid shall be thought fit. And further our Will & Pleasure is that you shall not at any time hereafter by Colour of any Power or authority hereby granted or mentioned to be granted take upon you to give grant or Dispose of any office or Place within our said Province which now is or hereafter shall be granted under the great Seal of Great Britain any further than that you may upon the vacancy of any such office or suspension of any officer by you, put in any person to officiate in the interval until the said Place be disposed of by us our Heirs or successors under the Great Seal of Great Britain, or that our Directions be otherwise given therein: And We do hereby require & command all officers and ministers civil & military and all other Inhabitants of our said Province to be obedient aiding and assisting unto you the said Benning Wentworth in the Execution of this our Commission and of the Powers and authorities herein contained, and in case of your Death or absence out of said Province unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in chief of our said Province, to whom we do therefore by these Presents give and grant all & singular the Powers and authorities aforesaid to be executed & enjoyed by him during our Pleasure or until you return to our said Province; and, If upon your Death or absence out of said Province of New Hampshire there be no Person upon the place Commissionated or appointed by us to be our Lieutenant Governor or Commander in chief of our said Province, our Will & Pleasure is that the Eldest Councillor whose Name is first placed in our said Instructions to you, and who shall be at the time of your death or absence residing within our said Province, shall take upon him the administration of the Government and Execute our said Commission and Instructions and the several Powers and authorities therein contained, in the same manner and to all Intents and Purposes as either our Governor and Commander in chief should or ought to do in case of your absence until your return, or in all cases until our further Pleasure be known therein.

In witness whereof We have caused these our Letters to be made Patent—Witness our self at Westminster the fourth Day of April in the first year of our reign.

YORKE & YORKE.

By Writ of Privy Seal.

G—S.
G—B.

Entered & recorded according to the original Pattent under the Great Seal of Great Britain.

NOTE. The original Commission is said to be in the Portsmouth Athenæum. ED.

Commission of Governor Benning Wentworth to be Surveyor General of his Majesty's Woods in America.

[Copied from "Commissions" in Secys office, 1747 to 1828.]

GEORGE R.

GEORGE the Second by the Grace of God of Great Britain, France & Ireland, King, Defender of the Faith &c. To all to whom these Presents shall come, GREETING:

KNOW YE, That We reposing especial Trust and Confidence in the skill Diligence and Integrity of our Trusty & well-beloved BENNING WENTWORTH, Esq. our Governor of New Hampshire in America in and for the Execution and performance of the service of Directing and Instructing our good subjects the Inhabitants of New England and other our Colonies and Plantations in America in the best method of making Tar, raising and cureing Hemp and producing and working all other Naval Stores and for rendring the several Acts of Parliament relating thereunto more effectual, as also for other good causes and considerations as hereunto moving of our especial Grace certain knowledge & mere motion, have nominated, constituted and appointed, and do hereby nominate, Constitute and appoint him the said Benning Wentworth, to be Surveyor General of all and singular our Woods within all & every our Colonies and Plantations on the Continent of America, now growing or being or which hereafter shall or may grow or be within our said Colonies or Plantations or any of them, in the room & place of David Dunbar, Esq. whose Commission for the same office We do hereby revoke and Determine: And We do hereby direct, authorize and require him the said Benning Wentworth to instruct our loving subjects within our said Colonies & Plantations in making Pitch and Tar, raising & cureing of Hemp and in all other matters relating to the Production and manufacturing of Naval stores there, To Hold, Exercise and Perform the said office of Surveyor General and other the services abovementioned by himself or his sufficient Deputy or Deputies for & During our Pleasure; and for the encouragement of him the said Benning Wentworth diligently and faithfully to intend, attend, & Execute the said services, We have tho't to grant and allow unto him, the said Benning Wentworth a Salary or yearly sum of Two hundred Pounds Lawful money of Great Britain to be paid him or his assigns by the Treasurer of our Navy for the time being upon Bills for the same to be first made forth & signed by the Commissioners of our Navy for the time being or any three or more of them who are hereby directed and authorized to make forth & sign the said Bills, from time to time accordingly, the said Salary to commence from the Date hereof (to which Day exclusive the said David Dunbar is to be paid the said Salary and no further) and to be computed and paid by the Day to the 25th of December 1743; and from thence for the Quarterly by equal Portions, as the same from time to time shall incur and become due: And we do hereby Declare that these Presents or the Entry or Enrolment thereof with the Commissioners & Treasurer of our Navy, and also with the Auditors of our Imprests shall be as well to the said Commissioners of our Navy for making out the sd Bills as to the Treasurer for Payment and to the Auditors of

Imprests for allowing thereof from time to time upon account a sufficient Warrant, and we do hereby authorize and require him the said Benning Wentworth his Deputy or Deputies and every of them at all convenient Times and seasons in the year to view & survey all our said Woods, and also to mark such of the said Trees as now are or hereafter shall be fit & Proper to be taken for the use of our Navy and to keep a register of the same, transmitting half-yearly or oftener an acc^t of his Proceedings therein to our Commissioners for executing the office of high Admiral or our high Admiral of Great Britain for the Time being, to one of our Principal Secretary's of State, to our Commissioners of our Treasury or our High Treasurer of Great Britain for the time being, and to our Commissioners of Trade and Plantations, as also to observe & follow such orders & Directions as we have formerly signed or shall hereafter sign relating to the Execution of the said office and such others as he shall from time to time receive from us or from our said Commissioners for Executing the office of High Admiral of Great Britain for the time being, or our Commissioners of our Treasury or High Treasurer for the time being, from either of our Principal Secretarys of State or from our Commissioners for Trade & Plantations: And Lastly We will and require all our Governours, Lieutenant Governours, Justices of the Peace, Constables and all other our Civil officers within our said Colonies & Plantations in America to be aiding and assisting to and to Promote & Encourage the said Benning Wentworth his Deputy or Deputies in the due Execution of his & their Duty in all the matters aforementioned as they will answer the contrary.

Given at our Court at St. James' this Twelfth Day of December, 1743, in the Seventeenth year of our Reign.

By his Majesty's Command.

H. Pelham,
Samuel Sandys,
Phill. Gybbon.

Entred in the Treasurer of the Navy's office the 23^d of December 1743.
Ja. Hubbard.

White Hall Treasury Chamber, 21 Feby 1743.

I hereby certify this to be a true copy of the Entry of the original Warrant in the Books of his Majesty's Treasury as signed by the King & Countersigned by the Lord's Commissioners of his Majesty's Navy.

Peter Lehenp.

Province of New Hampshire,
Recorded the 2^d day of Jan^y, 1753.

Pr. Theodore Atkinson, Sec^y.

INDEX.

NOTE.—The Index which follows is designed to contain the name of every person and place mentioned in this volume. The officers of government, as Governor, Lt. Governor, and Councilors, are put in SMALL CAPITALS, but not otherwise referred to except as performing some assigned duty. The word *passim* indicates that a name is found very often in the volume, and need not therefore be repeatedly noted. Thus the names of Councilors and Representatives are repeated on almost every page. The Editor has aimed to be accurate but still fears that errors may be discovered.

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